

Colombia Elites and Organized Crime

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Introduction

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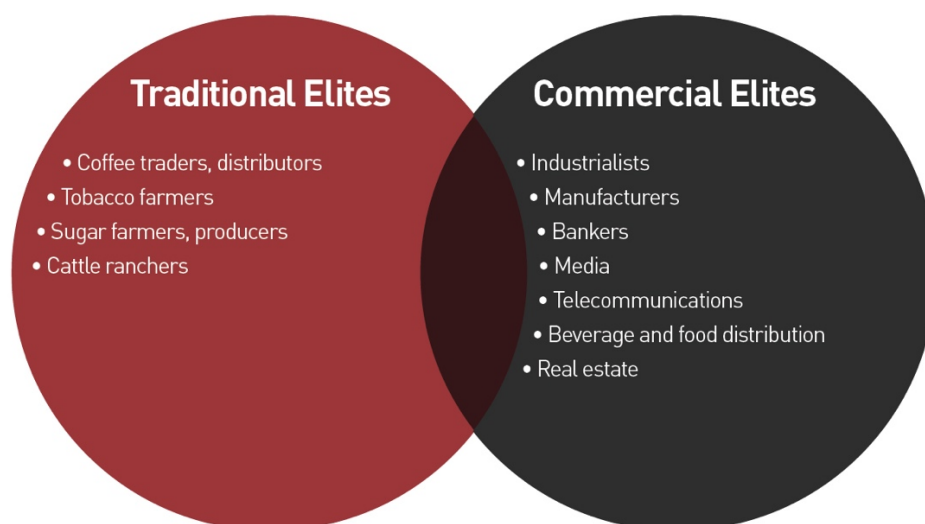
The power of Colombia's elites is founded upon one of the most unequal divisions of land in the world. As of the early 21st century, one percent of landowners own more than half the country's agricultural land.¹ Under Spanish rule, Colombia's agriculture was organized on the hacienda system, in which "landless peasants" worked, often as sharecroppers or indentured labor, for the landowners. The fight for land redistribution began with the struggle for independence and continues to this day.

Bolstered by a relatively stable economy, Colombia's elites have been able to repeatedly block attempts to redistribute land or carry out significant political reform. The country largely avoided the military coups and economic crises that beset its neighbors in the 20th century, but this very stability helped store up a legacy of social problems that remain unresolved. Colombia is, "the only Latin American country in which the traditional parties and elites neutralized all political reform efforts," Francisco Thoumi argues. "There were never reforms that challenged the power structure and weakened its control over society."²

Land and Trade - Colombia's Elites

The landowning elite of the 19th century used its land to develop agriculture and cattle ranching businesses. For the first half of the century, the economy remained small, isolated and undeveloped, with a low level of exports, dominated by gold. The development of the tobacco and then coffee export industries from 1850 helped create a merchant class. The associated export booms disproportionately benefited the economic elites -- both landowners and commercial middlemen. While much of Colombia's coffee was grown on small farms, the industry was run by a wealthy elite of distributors who controlled the sale and export of the crop.³ The coffee boom of the 1910s to 1930s was also the motor for the country's industrialization. Centered on the city of Medellín, it catapulted the city's merchant-industrialists "to national pre-eminence."⁴

Figure 1: Colombia's Elites - 1810-1970



Though the elite has been able to prevent major reform that would disrupt its power, it has not itself remained static. Successive generations of capitalists have been able to clamber into the ranks of the elite by generating wealth, first through industrial manufacturing and later through the drug trade. "The dominant groups -- large-scale owners of the means of production and the main political power brokers, who might or

might not be the same people -- have always been open to new blood from outside or from below," argues Forrest Hylton.⁵

As Colombia's economy grew and modernized in the early 20th century, the old landowning class joined forces with the expanding commercial class created by the coffee boom, protecting its position and avoiding disruption to the existing social order. The manufacturers and industrialists created by the coffee boom also found common ground with the landowners, allowing the old elites to maintain their position.⁶ The traditional elite has been flexible enough to absorb and co-opt rising groups, who "end up reproducing the exclusionary behaviors that many criticized before."⁷

Colombia's elite has always been made up predominantly of Colombian nationals unlike other Latin American countries, such as Honduras, where the export industries were largely foreign-owned. The country's economic and political elites overlap to a large extent, and the wealthy exert political power. Still, there are some divisions within them. The political elite can be considered as two groups: the elites of the country's periphery - everything outside Bogotá -- and the elites of the center, or capital. The periphery elites can exert great power in their local sphere, while the elites of the center largely determine national policy. For its part, the economic elite can be divided into the modern industrial-financial bourgeoisie and the traditional landowning elite. A super-elite has developed since the 1970s, made up of several family-owned economic conglomerates that dominate the business world.⁸

The state has lacked effective presence in many areas of the country for much of Colombia's history, allowing local elites to grow powerful and largely autonomous in their regions. Until the mid-20th century, communications were very poor, and the capital was isolated, several days of hard travel away from the coast or the other major cities. Many parts of the country continue to lack basic public services such as electricity and adequate roads.

Since independence, the local landowners and ranchers have often maintained private armies and successfully resisted attempts to centralize control and increase taxation. As Nazih Richani puts it, "large landowners, cattle ranchers and the agribusiness elite conspired to resist the growth of state power."⁹ As a result, the tax base has remained weak -- Colombia had South America's second smallest tax revenue per capita into the 1990s.

Liberals and Conservatives

Power was administered in these isolated regions through two dominant political parties -- the Liberals and the Conservatives. Both represented the interests of the elite. Broadly

speaking, Conservatives defended the Church and were closer to the landowning class, while Liberals favored a secular state and were closer to the commercial class.

Though the parties lacked a strong central administration, allegiance was fierce at the local level, based on strong clientelist relationships between the population and local party bosses, who were often the biggest local landowners. The parties were "one more mechanism of social control whereby upper-class leaders manipulated lower class followers."¹⁰ Party loyalties were not divided along class or systematic regional lines, but were passed from generation to generation.¹¹ Colombia's elites would maintain a stranglehold on politics through these two parties until at least the 1980s.

The Liberals and Conservatives fought a series of bloody civil wars from the mid-19th century, as the elites battled each other for the spoils of government via peasant farmers recruited into the militia of their local party boss.¹² This continued into the 20th century in a long period of "inter-elite factional conflict."¹³ Clashes between supporters of the two parties were particularly fierce from 1930, after the Conservatives lost grip of a 45-year hold on power. This political fighting was accompanied by unrest in the countryside over unequal land distribution, and violent repression of collective action, most notably with the army's massacre of hundreds of striking banana workers near Santa Marta in 1928.

There was an attempt at land reform and greater protection for unionists under President Alfonso López Pumarejo, who came to power in 1934. López was the son of a powerful business family, but recognized the danger of ignoring Colombia's social problems. His reforms, however, did not go far enough to quell growing discontent in the countryside.

One rising politician set himself up in opposition to Colombia's elites. Jorge Eliécer Gaitán was born into Bogotá's lower middle class, outside the traditional political elite. He first attracted attention by investigating and denouncing the government's handling of the 1928 banana strike. Though he was a Liberal politician, Gaitán rose to national prominence on the back of fiery speeches railing against Colombia's "oligarchy," accusing the two parties of dominating the political system for their own ends and collaborating to prevent real reform.¹⁴ Gaitán gained great national popularity, capturing the imagination of peasants and the urban working class by promising land redistribution and an end to the dominance of the oligarchy. He was considered a sure bet for Liberal presidential candidate, until he was assassinated in Bogotá in 1948 by an unknown culprit.

La Violencia

News of Gaitán's death triggered riots in Bogotá and across the country by Liberals who accused the Conservative government of the assassination. This unrest marked the official beginning of a conflict known simply as "La Violencia" -- The Violence. In the following years, guerrilla forces organized by local Liberal bosses went to war across the country with Conservative vigilantes, who were sometimes backed by the state security forces. The pattern of the conflict was one of ambushes and counterattacks, each action in retaliation for the last, rather than of direct military confrontations between the two sides.¹⁵ Amidst the turbulence came not just longstanding political acrimony but also banditry and criminal organizations that thrived on the chaos.¹⁶ The conflict would continue until the 1960s, killing some 200,000 people, or about 1.8 percent of the population.¹⁷

The elites suffered far less from the conflict, which was mostly confined to the countryside and fought by peasant farmers. As David Bushnell writes, La Violencia pitched "Liberal peasant against Conservative peasant, while the larger landowners of either party, to say nothing of business and professional people and politicians, stayed in the relative safety of the cities."¹⁸ At first, some members of the urban elite considered the mass violence to be a matter for the barbaric peasantry. Some Bogotá elites, for example, saw the conflict as a passing phenomenon, which confirmed their "stereotypes" of the locals.¹⁹ The idea developed "within the elite that La Violencia was a cancer of the 'pueblo' -- or, to use another of their metaphors, a bloodletting -- that had little to do with them,"²⁰ Herbert Braun writes.

Indeed, La Violencia broke out at a time when the ideological differences between the two parties were less significant. There was broad consensus over economic policy, and the "elites were united in a common devotion to Cold War capitalism and anti-communism."²¹ Despite this, the fighting was savage, with massacres, mutilations, and targeting of the civilian population. While in Bogotá the leaders of the two parties may have had a lot in common, in the countryside party allegiance was worth killing for. In the absence of the central government, the parties had become the primary vehicle for identity across Colombia, and the fighting tapped into old hatreds. Allegiance to party came before allegiance to country in the nation's fragmented periphery, and "the great 'irrational' violence," Rensselaer W. Lee III and Francisco E. Thoumi write, can only be explained "if one accepts that peasants had party loyalties comparable to national loyalties in other countries."²²

The conflict was also a product of tension over the unresolved land issue. There was mass displacement, as armed groups drove enemy sympathizers from their land, and some landowners took advantage of the chaos to grab land for themselves. The conflict

increased land concentration, allowing agro-exporters to consolidate their holdings, and thus accelerated the process of economic modernization.²³

Many members of the urban elite would benefit from the economic boom that, curiously, accompanied the years of the worst violence. Displaced country-dwellers flooded the cities, driving construction and supplying cheap labor.²⁴ GDP grew by 5 percent annually between 1945 and 1955, while industrial output grew by 9 percent a year.²⁵ Oliver Villar and Drew Cottle argue that "for the urban elite, particularly the industrialists, La Violencia was an economic success."²⁶

But as the violence wore on, the two political factions of the elite saw that the continued turmoil in the countryside would threaten their position. The parties joined forces, first to support a 1953 military coup against Conservative President Laureano Gómez, replacing him with General Gustavo Rojas Pinilla, who promised to end La Violencia. Four years later, alarmed by the general's Gaitán-style anti-oligarch language and populist policies as well as by the ongoing violence, the parties joined forces with the other most important elite institutions, the Church and the industrialists, to force Rojas out.²⁷

In 1958, the two political parties formally agreed to share power, excluding all other movements from the political process. The pact, called the National Front, dictated that the parties would take turns holding the presidency and would allot all government jobs equally between them for the next 16 years. This ushered in several decades of power-sharing, lasting in practice until the mid-1980s, formally turning the political system formally into "a pure machinery of common elite interests."²⁸ The National Front was, according to Lee and Thoumi, "a cartel that monopolized power and excluded other political alternatives," depoliticizing the two parties and transforming them into "clientelistic electoral machines."²⁹

The elite's exclusion of all other voices from the political process would help fuel the rise of Colombia's rebel groups. La Violencia was officially over by 1964, but some groups of guerrillas held out in isolated parts of the country, calling them "Independent Republics." They refused offers of amnesty from the government. By the mid-1960s, the conflict had morphed from a Conservative-Liberal conflict into a class war between the government and Communist-aligned guerrillas.

A number of guerrilla groups would consolidate over the next decade to fight Colombia's elite. The Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia -- FARC) were Marxist and pro-Soviet. They grew out of peasant "self-defense" groups that were hardened during La Violencia. The National Liberation Army (Ejército de Liberación Nacional -- ELN) had many members from the middle classes

and were aligned with Fidel Castro's Cuba. These groups were joined by the Popular Liberation Army (Ejército Popular de Liberación -- EPL), a Maoist group based on peasant fighters, and later by the 19th of April Movement (Movimiento 19 de Abril -- M-19), an urban guerrilla that carried out high-profile actions to attract students and other disaffected youth.

These groups did not at first pose any serious threat to Colombia's elites. They were fractured, poor, and riven by internal conflicts, and by the early 1970s had been ground down by the military.³⁰ However, a bonanza was about to arrive in the form of the illicit drug trade.

Organized Crime and Elites in Colombia

Crime, Cocaine and Guerrillas

The roots of organized crime in Colombia were sown since independence by the lack of government presence in many parts of the country. The tradition of contraband smuggling created trafficking expertise and a tolerance for illicit activities. Near constant political tumult, like during La Violencia, also opened the way for bands of marauders, thieves and kidnapping groups, who often thinly disguised their criminal activities under the banner of one political party or the other.³¹

The failure of land reform also pushed populations to colonize remote areas, where illicit crops were the only viable means of support.³² These crops included marijuana, poppy -- the raw material for heroin -- and coca, the raw material for cocaine. In the 1970s, Colombians moved to take control of the most important of these illicit businesses: the cocaine trade. Coca was not produced in large quantities at the time in Colombia, but Colombians began developing the most efficient means of processing it into a consumable white powder and transporting this byproduct to points north.

The pioneers were, of course, Pablo Escobar's Medellín Cartel and its lesser rival, the Cali Cartel. These first-generation Colombian trafficking groups were hierarchical, vertically integrated organizations that controlled each stage in the business, from production to distribution.³³ They sourced coca leaf from its primary production points in Peru and Bolivia, processed it in Colombia, then shipped the cocaine to the United States, where their operatives sold it on the streets.



Illegal drugs created regional economic booms in the 1970s and 1980s, kick-starting certain industries, such as construction, bringing a flood of illicit dollars into the country, and creating massive wealth for some of those involved in the industry. By the 1990s, revenues from the trade made up an estimated 4 to 7 percent of Colombia's GDP.³⁴

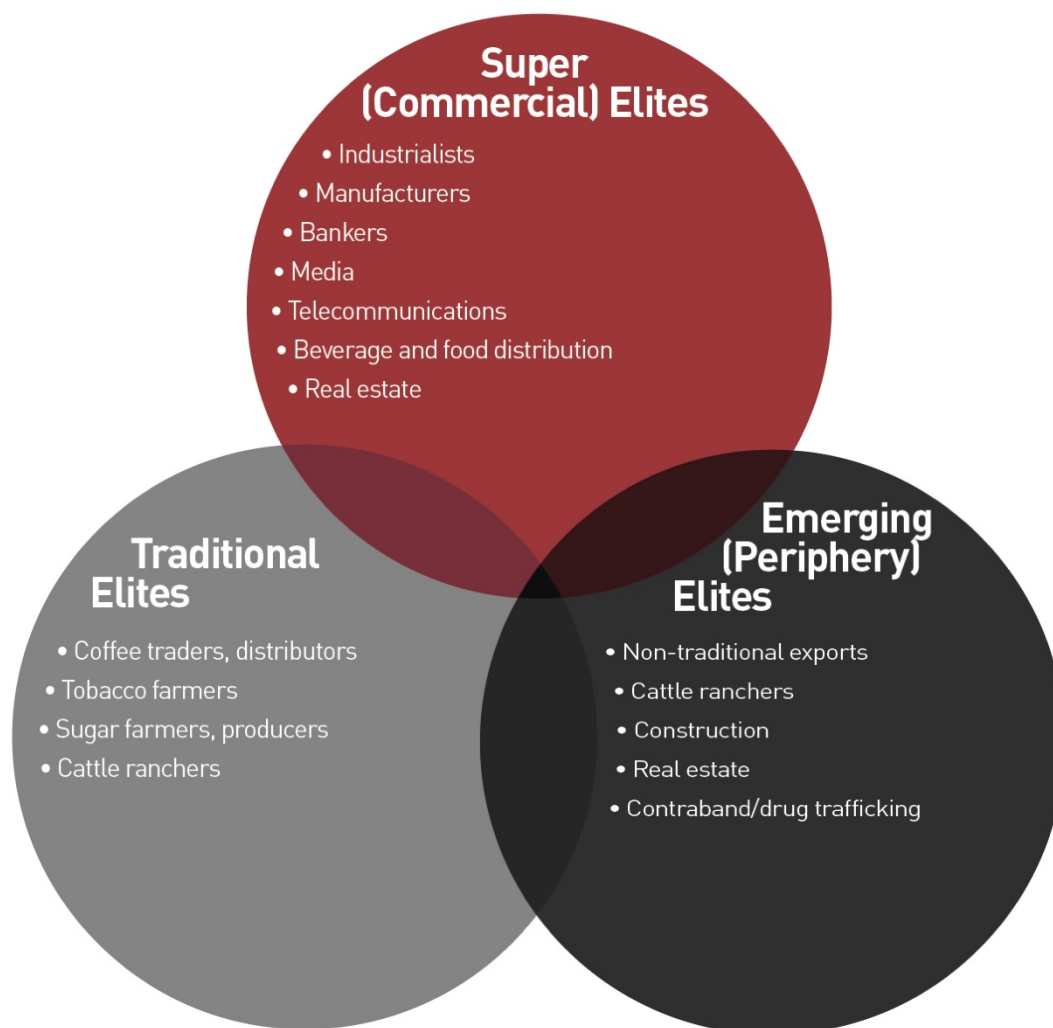
Economic crises in the 1970s also pushed some members of the commercial classes to seek new economic opportunities, particularly the industrialists of Medellín. In Colombia's second city, which would become the cradle for the cocaine business, "local businessmen turned to the cocaine industry for infusions of capital," which later helped to "cement the [drug industry's] ties to the Colombian elite."³⁵ The economic downturns also swelled the ranks of the unemployed, creating a large pool of manpower for the drug trade.

The FARC gradually moved to take advantage of this new source of funding. The group first began taxing marijuana growers in the 1970s, then coca growers. In the early 1980s, they decided to impose taxes on the traffickers themselves. This would be an enormous boost to their finances and change the face of the civil conflict.³⁶ The FARC used the new revenue stream to expand its areas of operation, to increase its number of fighting units -- or "fronts" as they are known -- from 17 in 1978 to 28 in 1984, and to invest in weapons, uniforms, and communications devices.³⁷

In the same period, the guerrilla groups ramped up extortion and kidnapping, targeting rural landowners, businesspeople, and any members of the population who appeared as if they could pay a ransom. For the first time, Colombia's guerrilla insurgencies were really hurting the elites, and the elites decided to act. In the Middle Magdalena Valley, valuable farming land that would be a crucible of the conflict, local elites began meeting with representatives of the army to discuss founding rural "self-defense" groups to help the military to fight the rebels, which was legal under a 1968 law. The landowners would soon gain a powerful new ally.

Emerging or periphery elite (aka 'Narco-elite')

Figure 2: Colombia's Elites - 1970-1990



As well as fueling the rebels' bid to overthrow the government, the influx of drug money created a new elite. As Thoumi says, the accumulation of "very quick and large individual fortunes ... changed the power structure and nature of the elite in many regions."³⁸ Members of the working classes were quickly propelled to wealth, forming a "clase emergente" (emerging class) or what some called a "narco-elite."

Escobar and most of his partners in the Medellín Cartel, for example, were from humble social backgrounds. The Medellín Cartel members were able to use their new-found wealth as a shortcut to join the landowning class. Escobar and his business partner José Gonzalo Rodríguez Gacha, alias "El Méjicano," for example, bought up swathes of land in the Magdalena Medio Valley. The land was sold cheaply by people escaping the rising guerrilla threat, and traffickers used it both as a status symbol and a means to launder their wealth. They were, in the words of Steven Dudley, "purchasing their way into the landed gentry."³⁹

The mass purchase of land by drug traffickers was so substantial that it is known as the "counter-reform" -- skewing Colombia's land further into the hands of the few. In all, it is estimated that the drug traffickers bought up to 5 million hectares of grazing land in Colombia, some 15 percent of the total.⁴⁰

With their ranches, the traffickers formed a "new rural elite," in some places completely replacing the old landowners.⁴¹ The traffickers' ascension into the landowner classes would eventually allow them a deeper integration into the elite, as they became useful to the political class in the fight against the guerrillas.⁴²

This was not just a political struggle. As landowners, the traffickers themselves became vulnerable to the same guerrilla attacks that threatened the traditional elites. They soon joined forces with local elites to fund what were called "self-defense" forces, which were supposedly set up to fight the rebels, but which often targeted social "undesirables," unionists, and other groups perceived to be a threat to elite interests. These groups were precursors to the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC) paramilitary army.

A New Politics

As drug traffickers consolidated their gains in the 1980s, a change was taking place in the ranks of the political elite. The three-decade power-sharing agreement between Liberals and Conservatives came to an end in 1986, when the Conservatives refused to join President Virgilio Barco's Liberal government. Colombia was moving towards increased decentralization. A 1986 reform meant that mayors were directly elected, rather than appointed by the governors. The new constitution of 1991 bestowed increased autonomy and control over resources to local governments, and established the popular election of governors. All this gave more power to elites of Colombia's peripheries, who had long been powerful in their local spheres, but removed from the center of national power in Bogotá. It was a profound change. As Francisco Leal writes, "The regional elites ascended to the national stage, to the detriment of the 'natural bosses.' For that reason, the so-called traditional political elites are a thing of the past."⁴³

The drug boom helped propel these regional elites from Colombia's periphery to the center of power in Bogotá and Medellín. The sudden influx of money to peripheral areas dramatically changed existing power structures and distribution of wealth. The existing elites -- landowners, industrialists and political powerbrokers -- could see themselves pushed aside by rising figures, often from lower social groups, who were taking advantage of the money and power bestowed by organized crime to convert themselves into a new elite.⁴⁴

But organized crime also presented the elites with an opportunity. They could be left behind in the new world created by narco-money, or they could throw their lot in with the new narco-elites and hitch a ride to power on the national scale as senators, governors, or party leaders. "When the regional political class obtains financing from an inexhaustible source of capital, and when it receives the armed support of private armies that regulate a significant portion of the social order, then they achieve a level of political influence never before seen in the country's center," Gustavo Duncan argues.⁴⁵

But while the traffickers had gained instant economic power and increasing political power in the periphery, they had to fight for social acceptance in the center. Medellín's upper classes blocked Escobar's application to join the city's top social club. His attempts to enter the political elite were also crushed when he was ejected from the Liberal Party and thrown out of his position as deputy congressman in the early 1980s. Rejected by the establishment, Escobar made the fight personal. He presented himself as a populist figure, persecuted by the political elite for his humble background and efforts to help the poor. And he mixed nationalistic fervor -- especially as it related to sovereignty and the question of extradition -- to stir up anti-establishment sentiment.

In addition, Escobar resorted to violence. In 1984, his assassins killed then Justice Minister Rodrigo Lara. In the late 1980s, they murdered dozens of judges and police. They also kidnapped elites and exploded bombs in public places where the wealthy and their families congregated. The violence culminated in the 1989 presidential elections, when Escobar's assassins killed the Liberal Party candidate Luís Carlos Galán. They later exploded a bomb on a commercial airplane in an attempt to murder his replacement, killing all those aboard.

In a public letter sent in 1989, Escobar and a group of other trafficking bosses aptly described this campaign as "total war on the government, the industrial and political oligarchy, the journalists who have attacked and insulted us, the judges who have sold out to the government, magistrates who have extradited us, trade union leaders and all those who have persecuted us."⁴⁶

The Medellín Cartel also penetrated the Colombian state, with high-level allies in security and justice institutions that kept them safe from prosecution. The Medellín Cartel offered officials a choice between "silver or lead" -- taking cartel money, or taking a bullet. Through this campaign of bribery, intimidation and terror tactics, Escobar eventually bent the Colombian state to his will, forcing it to ban the extradition of nationals in a 1991 constitutional assembly.

The drug trade eventually penetrated politics on every level. Even the national political elites in Bogotá had to contend with the immense power of drug money. The country was forced to recognize this fact, and the costs of co-existence with the powerful cartels, when it was revealed, shortly after he took office in 1994, that President Ernesto Samper had received significant campaign donations from the Cali Cartel.

But the drug trade also had its losers, among them the traditional and commercial elites. Though the traffickers grew rich, the economy suffered. By the 1990s, Colombia had entered into a social, political and economic crisis caused in large part by the drug trade. GDP was lower in the 1980s and 1990s than in the course of the previous 30 years, thanks to capital flight, increased transaction costs, and spending on security at the expense of other projects.⁴⁷

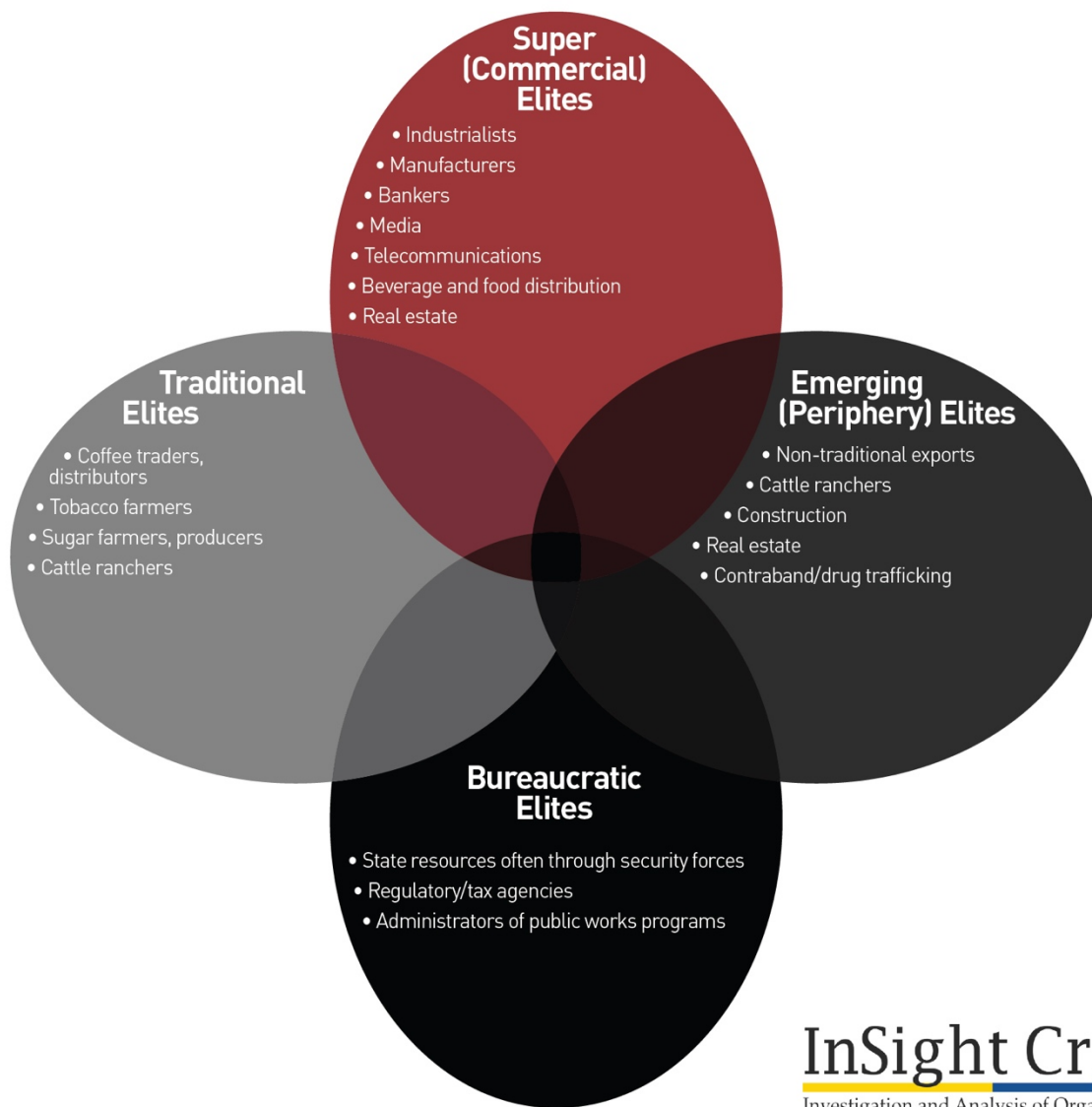
What's more, thanks to Escobar, violence had taken on a whole new meaning for the elites. If Colombia's elites had been removed from the rural killings of La Violencia, the traffickers' acts of mass terror in the late 1980s and early 1990s brought the violence to their front door.

Eventually, Escobar's confrontation with the state and the elites would cost him. Although he managed to negotiate his handover and residence in a jail built to his liking in 1991, his power was dwindling. His criminal partners -- sensing a shift in the political winds and feeling betrayed and worn down by Escobar's never ending war -- teamed with the government and bit by bit destroyed his empire.

At the core of this fight against Escobar was an alliance of criminal interests -- which went by the moniker Persecuted by Pablo Escobar (Perseguidos por Pablo Escobar - PEPES) -- and the police. By late 1993, as Escobar scrambled to stay alive, the seeds were already sown for the next phase of Colombia's criminal development.

The AUC and the Rise of the Periphery and Bureaucratic Elites

Figure 3: Colombia's Elites - 1990 - Present



As chronicled in one of our case studies, the security forces -- with help from the PEPES -- killed Escobar in 1993. They then turned on the Cali Cartel and captured its top bosses in 1995, clearing the way for a new generation of criminals. It was during this period that another set of what we call bureaucratic elites emerged in Colombia. These elites draw their power from their government posts, controlling key resources often through their state-held positions. They are also, as we will see, a critical node that criminal

groups need in order to function. In some cases, bureaucratic elites and criminal interests can use each other to expand their power in quixotic ways.

Meanwhile, in the Colombian underworld internal rivals stepped up to take over the capos' drug empires: the Norte del Valle Cartel emerged from the remains of the Cali Cartel, while Diego Fernando Murillo, alias "Don Berna," a former associate of Escobar's who helped found and run the PEPES, took power in Medellín. Smaller cartels, or "cartelitos," sprung up around the country.⁴⁸ They lacked the hierarchical structure and centralized leadership of the old hegemonic cartels. They controlled a smaller section of the drug supply chain, working in federation with other organizations.

Right-wing paramilitary groups took on a central role in the Colombian underworld, coming together under the banner of the newly formed United Self-Defense Forces of Colombia (AUC) in 1997. The AUC was a byproduct of the 1980s "self-defense" groups formed by drug traffickers, landowners and their military allies, but it was also an invention of those who had formed the PEPES. Ostensibly it was a loose network of "self-defense" organizations established to fight leftist guerrillas -- still acting as a proxy army for the government. In many cases it did expel the rebels from traditional guerrilla-controlled areas. But they also taxed and partook in the drug trafficking business, as well as pillaged government coffers in corruption schemes, robbed trucks, extorted business and kidnapped locals for ransom, among many other criminal activities. Through it all, they cloaked their activities under the banner of anti-communism and counter-insurgency.

Soon the AUC established their own form of order in the underworld as well. The second generation trafficking groups nearly always worked through the paramilitaries.⁴⁹ The remnants of the Medellín and Cali Cartels both worked closely with the AUC. Don Berna became a key figure in the AUC, heading its drug trafficking activities, and eventually converted his hit squad into a paramilitary fighting bloc, as one of our case studies explores. He eventually became a commander in the AUC. The Norte del Valle Cartel also had close ties to the AUC, relying on it to protect its drug routes, laboratories, and members.⁵⁰

Collaboration between traffickers and Colombia's periphery and bureaucratic elites reached an unprecedented level under the second generation of criminal groups. The AUC was born out of an alliance between drug traffickers, the security forces, and local emerging elites who sought protection from the guerrillas. Some of its commanders, like Rodrigo Tovar -- the subject of one of our Colombian case studies -- and Salvatore Mancuso, were born into these elites and had local and high level political contacts they had known since childhood. The paramilitaries also worked closely with elements in the military, sharing intelligence and carrying out joint operations against guerrillas.

With time, the AUC's anti-subversive mission melded with the rising political power of the emerging elites. The poster boy for these elites was Álvaro Uribe. Uribe did not have one of the surnames shared by so many of Colombia's presidents. The traditional elite is highly insular, dominated by a small number of powerful families. Uribe came from outside the national ruling clique, and the old families had to join forces with him in order to keep their positions.

Uribe was born into a prosperous ranching family in Antioquia, the state where Medellín is located. A charismatic orator and an unflinching ideologue, he served as Medellín mayor, Antioquia governor, and a Liberal Party senator before running for president in 2002 as an outsider candidate. He shot to the front of the race supported by a public appalled and disillusioned by violence, kidnappings and the breakdown of peace negotiations with the FARC rebels.

As noted, the drug trade had also altered the insurgencies that had grown immensely in the preceding years. A series of spectacular assaults on the military resulted in dozens of soldiers held captive by the FARC rebels. The ELN was regularly blowing up one of the country's key oil pipelines, and both groups were setting up checkpoints along major highways to kidnap defenseless civilians. This was now the war of the commercial elites, as well as their counterparts on the periphery.

President Andres Pastrana sought peace with the FARC, ceding a 42,000-square kilometer area of land the size of Switzerland to negotiate with the guerrillas in the late 1990s. The FARC, however, used the area to build up their military strength and launch attacks on the government. Pastrana eventually broke off talks. Disillusioned, Colombia's war-battered elites were ready to do whatever was necessary to win the war, including electing an emerging elite in Uribe to the presidency in 2002. Uribe imposed a widely-accepted "war tax" on the economic elites. The tide began to turn in the war, and the government gained ground against the rebels.

However, Uribe's rise also reflected darker forces -- the power of the new emerging elite and of the paramilitaries, who supported his presidential campaign. His father had made his money through connections to the Medellín traffickers, and Uribe has often been accused of dealings with these shady groups. With Uribe's rise, "the outlaws" became "the establishment."⁵¹

Parapolitics

The AUC embarked upon a project to build alliances with politicians at all levels. It used intimidation tactics to ensure that favored candidates won office, and in return gained access to protection, public funds and to the levers of power, not only at the local and

regional level, but reaching the top ranks of national politics. Investigations into these ties give an indication of the scale of the AUC's infiltration of politics, known in Colombia as "parapolitics." At one point in 2008, a third of the Senate was under investigation for paramilitary ties. As of 2014, 61 members of Congress had been convicted for ties to the paramilitaries, and more than 60 others had been investigated - many of them allies of President Uribe.⁵² Nationwide, more than 11,000 people have come under investigation, including more than 900 politicians, 800 members of the military, and 300 other officials.⁵³

However, the AUC was becoming a liability, attracting attention from the traditional and commercial elites' most important ally, the US, due to its drug trafficking activities. Uribe oversaw negotiations with the AUC leaders, and an eventual peace deal saw over 30,000 members demobilized. The top leaders agreed to turn themselves in, getting short prison sentences. However, revelations of the depth of the paramilitaries' involvement in politics in the parapolitics scandal made it opportune for all the elites to get the AUC leaders out of Colombia, where they might make inconvenient revelations. In a surprise move, Uribe extradited 14 of the AUC's top leaders to the United States in May 2008.

The paramilitary commanders saw this as a betrayal on the part of the elites. The elites' need for the alliance was over, and the paramilitaries had become a threat to their power, reputation and relationship with the United States.

"Elites may ally themselves with criminals as they perceive themselves threatened by counter-hegemonic groups," Alfredo Schulte-Bockholt argues. "The ability of mafia groups to integrate themselves into existing power structures depends on the need of elites for this partnership. If its services are no longer required, or if perceived as a threat, elites can and do turn against organized crime using the power of the state."⁵⁴

BACRIM and the Guerrillas

The extraditions cleared the stage for a third generation of drug traffickers and underworld organizations. From the ashes of the Norte del Valle Cartel emerged two groups called the Rastrojos and the Machos, while something known as the Oficina de Envigado took over Medellín. Several groups were born from the AUC, often led by mid-level commanders and maintaining the paramilitaries' financial structures -- these included the Urabeños, the Popular Revolutionary Anti-Terrorist Army of Colombia (Ejército Revolucionario Popular Anti-subversivo - ERPAC), the Paisas, and the Águilas Negras. The government refers to these organizations collectively as "bandas criminales" or "BACRIM," from the Spanish for "criminal bands."

These third generation criminal groups are more decentralized than their forebears. Some consist of networks of semi-independent criminal groups operating on a franchise model -- these nodes operate under the same name, but are not directly controlled by the group's leadership. As well as moving drugs themselves, the BACRIM offer protection services to other traffickers, using their territorial control over key drug movement corridors and departure points to guarantee the safety of shipments.⁵⁵

The BACRIM play a still-smaller role in the drug supply chain than the second generation groups, as Mexican cartels increasingly extend their reach into South America, buying processed cocaine directly from producers. As a result, international drug trafficking is a less significant part of the BACRIM's business operations, making up only about a half of their income. Domestic enterprises like drug sales, extortion, and illicit mining operations make up the rest.⁵⁶

Through a process of battles and alliances, the group known as the Urabeños has emerged as the most powerful of the third generation of trafficking groups, and may now be the only BACRIM left with a national presence and the ability to send multi-ton drug shipments abroad. Even the powerful Oficina de Envigado has been brought into the fold, through a 2013 deal in which the two groups agreed to peaceful co-existence in Medellín.

The new-generation groups have weaker ties to the elites than their predecessors. The BACRIM have no overarching political project to match that of the AUC, and their commanders have fewer ties to the emerging elites. However, as for any trafficking group, it remains important for the BACRIM to corrupt officials in the judiciary, security forces and local politics, in order to gain access to intelligence, launder their profits and operate unmolested. There is evidence that the BACRIM backed candidates in the 2014 Congress elections, but this took place on an ad hoc basis, region by region, rather than being coordinated on a national level.⁵⁷

A key example of how strong ties between local emerging elites and organized crime can continue unbroken into the third generation of criminal groups is provided by one of our case studies on Colombia. A former governor of Guajira state, Juan Francisco "Kiko" Gómez, is accused of having worked for more than three decades with generations of criminal groups -- contraband smugglers, the AUC, and later with a local group linked to the Urabeños -- profiting from their illegal businesses, using their influence to win elections, and employing them to eradicate his enemies. Though Gómez is now in jail, his allies still hold political power in the region.

The BACRIM who descended from the AUC have largely abandoned the right-wing ideology of their paramilitary predecessors. Though in some parts of the country the

BACRIM have been linked to attacks on left-wing groups, such as trade unionists and land restitution activists, this is generally because the BACRIM are hired to do this work by landowners or business interests, rather than because they have their own political agenda.⁵⁸ Indeed, the BACRIM often have dealings with the same leftist guerrillas that the AUC set out to destroy.

The FARC guerrillas retained an important role in the drug trade as generations of drug trafficking organizations came and went, though they always held back from stepping into the role of the country's biggest drug syndicate. The guerrillas admitted to charging taxes from coca growers, buyers, labs and drug flights, which mean that they earned a minimum of \$200 million a year from the trade.⁵⁹ The BACRIM were dependent on coca controlled by the rebels, forcing the two groups from opposite sides of the political spectrum into an uneasy coexistence.

The FARC and other rebel groups have always worked to infiltrate politics, influencing local elections through money and intimidation, and indeed took on the role of the state in some regions, but they lacked the same capacity to penetrate high-level politics as the right-wing groups.

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‘Don Berna’

By Jeremy McDermott*



(Photo by Carlos Villalón)

By the end of 1993, Pablo Escobar was cornered. The cocaine king – known as "El Patrón" -- was running out of money and options. His top assassins were either dead or had turned themselves in. Almost all of the senior members of the Medellín Cartel were either in prison, or had gone over to his rivals, a shadowy paramilitary group that called itself People Persecuted by Pablo Escobar (Perseguidos por Pablo Escobar - PEPES). Leading the hunt against him for the PEPES was a one-legged former guerrilla and cartel enforcer Diego Murillo Bejarano, alias "Don Berna." Berna had turned on Escobar after El Patrón killed his boss, Fernando Galeano. As part of the plan to destroy Escobar, he and the PEPES had teamed with the Colombian police's famed Search Bloc.

On December 2, Escobar made a call to his family, who were by then holed up in a hotel in Bogotá. The Search Bloc was waiting and triangulated the call to a small house in the Los Olivos neighborhood of Medellín. Don Berna moved to the location with the police

along with his brother and 20 of his men. In a book written years later, Berna described what happened next:

They broke down the door with a sledgehammer. El Patron, deep into his phone call, did not hear the noise. The only man who accompanied him, alias El Limon, shouted: 'El Patron, they have found us' and ran out the back door of the residence. Pablo did the same, but his movements were slow because he was so overweight. He went to the second floor because there was a small window overlooking the roof to a neighboring house. Pablo was running across the roof when my brother came to the window, took aim and shot him in the head with his 5.56 M-16 rifle.¹

A few minutes later, the police major leading the search for Escobar arrived and hugged Berna and his brother, Berna said.

"He congratulated us, was happy and in the general euphoria," Berna wrote. "There were shots in the air and shouts of 'Viva Colombia!' He asked me to leave because the press was coming and it would not be convenient if they saw me there."²



The PEPES had decimated the Medellín Cartel with a combination of guile, brutality and strategic alliances, leaving its leader Escobar with just one bodyguard. Financed by the rival Cali Cartel, fed by intelligence from cartel associates tired of Escobar's treachery and murder sprees, and protected by the Colombian police, the PEPES were a powerful force

that was about to change the criminal landscape of Colombia.

The principal benefactor of the fight against Escobar was Berna himself, the little-known foot soldier of Fernando Galeano, one of the criminal clans of the Medellín Cartel. In contrast to Escobar, Berna did not pick a fight with the government, kill police and judges, or kidnap elites. He understood that the police were an implacable enemy but could be a superlative ally. The police's increasing control over resources and the political importance of their battle against El Patrón made them a type of bureaucratic elite. And they used this power to influence how Colombia's government deployed its military, judicial, and political resources.

Don Berna was to place himself at the heart of this criminal-bureaucratic elite alliance that proved pivotal in the battle against Escobar. Berna and his PEPES colleagues used these connections to track Escobar's family and associates, killing many of them with impunity, isolating El Patrón and pushing many of Escobar's forces over to their side.

The police used Berna for information, which led to captures of key Escobar figures, seizures of properties and the freezing of Escobar's bank accounts.

With El Patrón dead, Berna was to maneuver himself into the top spot in Medellín's underworld. He later spread into the countryside and created a personal army that included thousands of urban militias and rural paramilitaries. His bureaucratic elite contacts also spread. He built relationships not only with the police, but penetrated the Attorney General's Office, the military and even the presidential palace.

In the end, Berna had army officers, policemen and judges on his criminal payroll. As this case study shows, he was able to get authorities in Medellín to not only ignore his criminal activities, but to actively support and promote them. In essence, through alliances with bureaucratic elites at the regional and national levels, he was able to put elements of the state apparatus at the service of organized crime.

The relationship Berna developed with bureaucratic elites in Colombia went far beyond the traditional organized crime dynamic of high-level corruption. In a perverse way, it was also about state-building. The state needed him in the hunt for Escobar, but this was just the beginning of a criminal-elite alliance that was replicated across the country, where the government used criminal elements to help fight its biggest battles. The security forces became reliant on the collaboration of organized crime to carry out their government-appointed duties. It is this mutually beneficial, symbiotic relationship that this case study covers.

Phase I: 'Don Berna' and the Hunt for Pablo Escobar (1985 - 1993)

From Guerrilla Soldier to Bodyguard

If you had told members of the Medellín Cartel in the late 1980s, when the group was at the height of its power, that Diego Murillo Bejarano, alias "Don Berna," would be the successor to their boss, Pablo Escobar, the response would have been one of total incredulity and perhaps not a little ridicule.

To begin with, Berna was not a "paisa," as the fiercely proud inhabitants of Medellín and its surroundings call themselves. He was from Tuluá, in the Valle del Cauca province along the Pacific Coast. Secondly, his first forays into illegality were not in the drug business, but in the Popular Liberation Army (Ejército Popular de Liberación – EPL), one of the many left-wing rebel groups that had sprung up in Colombia in the 1960s as the result of Colombia's closed political system.

Berna was part of an EPL splinter group, known as Estrella Roja.³ Like many other left-wing militants, he gave up communism in the late 1970s. According to a later

testimony,⁴ he went to Medellín to study law, but there is no evidence he ever spent a day in class. Instead, in the mid-1980s, he started washing cars for an important businessman and mafioso in the municipality of Itaguí, on the outskirts of Medellín. This man was Fernando Galeano who, along with his brother Mario, was a close friend of Escobar's and part of the Medellín Cartel.

Founded in the 1970s by the Ochoa brothers and Pablo Escobar, the Medellín Cartel by the late 1980s controlled the lion's share of the cocaine trade, with most of the rest handled by its bitter rivals in Cali. Initially, the Ochoa brothers (Jorge Luis, Juan David and Fabio) were the business brains of the outfit, and Escobar was the "protection." Others, such as Gonzalo Rodríguez Gacha, also provided muscle and logistical support.

But over time, Escobar became the undisputed leader of the cartel while still controlling much of its military apparatus, principally the "sicarios," or "assassins," from the slums of Medellín who carried out the cartel's killings, placed the car bombs, and fulfilled virtually any whim of El Patrón. So while the Medellín Cartel was comprised of many members and clans -- who smuggled drugs either in conjunction with Escobar using routes he controlled, or independently -- they all paid El Patrón a cut, which meant they acted with Escobar's blessing and protection. They would also pay quotas for specific cartel related activities, like, for example, the bloody campaign he later launched against the government to protest its policy of extradition.



Berna was but a soldier, a small cog in this large organization. A former guerrilla fighter, he soon became a trusted member of the Galeano criminal clan, a subset of the Medellín Cartel. But initially he never sat in on meetings. He was more the type to be outside with the car, waiting for his boss, Fernando Galeano, to finish with his business. The main

partners in the organization remained the Ochoa brothers, Rodríguez Gacha, and the relatives of Escobar himself, foremost among them Escobar's cousin Gustavo Gaviria. Berna (pictured below) was far, far down the pecking order with no family ties to the leadership.



Berna's past complicated things further. The Galeano family was fiercely anti-communist, a stance that put them in good stead with others in the Medellín Cartel. In part, this anti-communism stemmed from the fact that the EPL and other guerrilla groups funded themselves through kidnapping, robbery and extortion and at times targeted wealthy criminals who often responded in kind. To be sure, the 1981 kidnapping of the sister of the Ochoas by M-19 rebels had led to the creation of a

Medellín Cartel-funded paramilitary group known as Death to Kidnappers (Muerte a Secuestradores - MAS). Rodríguez Gacha set up his own paramilitary groups as well when guerrillas stole money from his network. The Galeanos' political tendencies went further than most. Jhon Jairo Velasquez, alias "Popeye," one of Escobar's top sicarios, once described Fernando Galeano as "ultra right-wing."⁵

This hatred of the rebels was something that united the Galeanos with another clan that worked for the Medellín Cartel: the Castaño brothers -- Fidel, Carlos and Vicente. After the 1981 kidnapping and murder of the Castaño clan's patriarch by rebels of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC), the eldest brother, Fidel, set up a paramilitary group, known as the "Tangueros." Named after one of Fidel's estates in Córdoba, "Las Tangas," and working with elements of the military, the Tangueros summarily killed suspected FARC guerrillas and insurgent sympathizers, and, wherever possible, attacked rebel camps. Over time, the three Castaño brothers became one of the most powerful criminal clans in Colombia. By the mid-1980s, Fidel was an important member of the Medellín Cartel, and ran one of the Bolivia cocaine pipelines that funneled coca base from Bolivia to the cartel's laboratories in Colombia. A decade later, the family would form the core of a nationwide, right wing paramilitary movement.

In Itaguí, the EPL rebels' fundraising efforts eventually came into conflict with Galeano's family. There are two versions of this story: one is that Galeano's father was kidnapped by the EPL for ransom;⁶ the other is that the EPL attacked a supermarket he owned. Either way, Galeano went to war with the EPL.

The fight presented an opportunity for Berna, who could show his bosses that he had no qualms about using his contacts and experience against his former revolutionary

colleagues. Under Berna's leadership, Galeano hitmen found and killed one local EPL leader at his favorite ice cream shop. The EPL retaliated, attacking one of Galeano's businesses -- a car dealership where Berna worked.⁷ Berna was shot 17 times and left for dead. He recovered from the attack and acquired a prosthetic leg, a shambling gait and a fierce reputation as a survivor.

Berna regrouped and kept the EPL at bay for years until he could launch a more sophisticated multi-pronged assault on the rebels with a new set of allies in the government.

'This was the beginning of the end'

Throughout this period, the Medellín Cartel's power kept growing, as did its battle with the government and Colombia's elites. At the heart of this conflict was the prospect of extradition to the United States.

The battle over extradition was typical Escobar. Instead of negotiating, Escobar formed what he called the "Extraditables" and began a bitter war. In 1984, his gunmen assassinated Justice Minister Rodrigo Lara Bonilla. His men later killed Guillermo Cano, the dogged editor of *El Espectador* newspaper. They also kidnapped political elites and their children.

Escobar soon targeted police, upon whose heads he placed a bounty and who saw hundreds of their ranks fall to Medellín Cartel assassins. And he went after judges -- killing dozens -- and the courts. In 1985, Escobar -- interested in the destruction of files and the intimidation of the country's Supreme Court -- was believed to have backed the M-19 left-wing rebel group's attack on the Palace of Justice. In 1988, Attorney General Carlos Mauro Hoyos was murdered by Escobar assassins.

By 1989, politicians had become Escobar's targets. August saw the assassination of his most bitter political opponent, the Liberal Party presidential candidate Luis Carlos Galán. In November, a bomb brought down a domestic airliner, killing all 107 on board, as Escobar mistakenly thought Liberal Party presidential candidate -- and Galán's replacement on the ticket -- César Gaviria was on the flight. Then, in December, a massive car bomb was placed outside the headquarters of the secret police, the Departamento Administrativo de Seguridad, or DAS. Some 52 people were killed and over 1,000 injured in the blast.

However, the war also took its toll on Escobar and the Medellín Cartel. Escobar's ally, Gonzalo Rodríguez Gacha, alias "The Mexican," was shot and killed by Colombian police in mid-December 1989. The Ochoa brothers turned themselves in to authorities and

negotiated a light prison sentence. Escobar was also tired of living like a fugitive, cash broke and dire need to regroup. In 1991, shortly after a Constitutional Assembly prohibited extradition, Escobar negotiated his surrender and the construction of a special prison overlooking Medellín where he and his men would serve out their sentences. For the moment, the war was over.

The "Cathedral," as Escobar's prison was known, was a jail in name only. Escobar had total control over the guards, and people came and went as he pleased. Escobar even had a playhouse built on the grounds for when his daughter came to visit. It was exactly what Escobar needed. But while he still had hundreds of millions of dollars in properties, he had no liquidity, so he used his first year behind bars to reorganize the Medellín Cartel and get his cash flowing again.

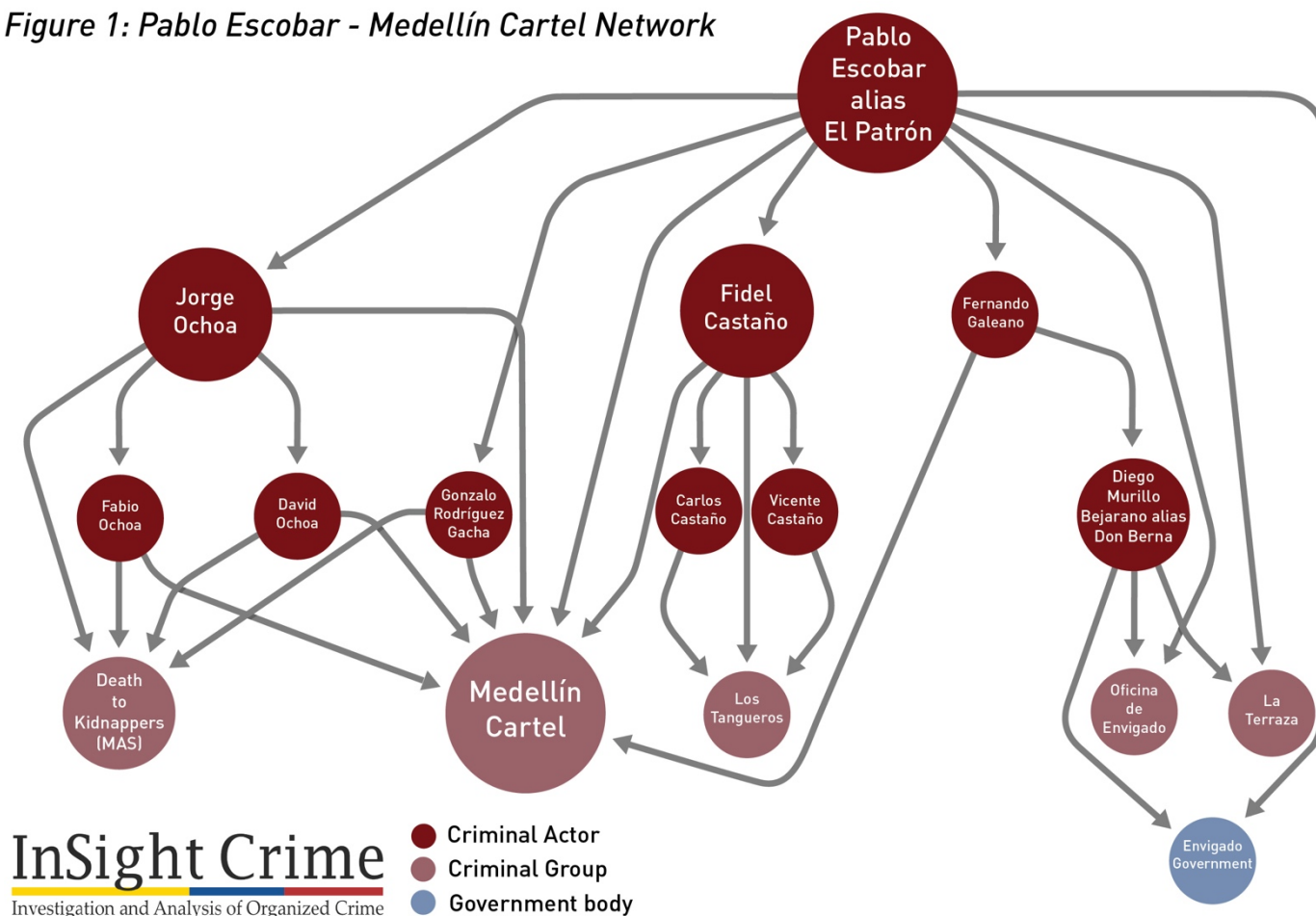
For this job, he turned to Galeano (pictured right) and Galeano's close associate, Gerardo Moncada, to whom he ceded two important drug routes into Central America and the US. One was known as "La Fania" (also described in some sources as "La Fanny") and the other was called "Rancho."⁸ The most lucrative route was "La Fania," which left the Pacific port of Buenaventura by ship, traveled to Mexico -- where the drugs were transferred to speedboats -- and then completed the journey to Los Angeles. This route was capable of moving ten tons of cocaine a month, generating over \$200 million a year. The move made Galeano and Moncada the leading drug traffickers in the cartel. In return, they promised Escobar payments of \$500,000 a month.⁹



Trusted by Pablo Escobar, the Galeano brothers were also involved with the Oficina de Envigado, Escobar's feared mafia collection system. The Oficina got its name because it was quite literally an office in Envigado's City Hall. In the late 1970's, Mayor Jorge Mesa set up the Department of Security and Control in Envigado (Departamento de Seguridad y Control),¹⁰ which later took on the name the Oficina de Envigado.¹¹ Its job was initially to fight common crime in the municipality.¹² But when Escobar became the law in Envigado, where he grew up, and developed a close relationship with Mesa, he started to use the Oficina for his own ends. It collected debts and ensured that all elements of the Medellín Cartel paid El Patrón his dues.

The Oficina de Envigado also had close links to "La Terraza," one of the most feared groups of "sicarios" in the city. If anyone resisted an attempt on the part of the Oficina de Envigado to collect a debt, La Terraza was contracted to carry out the murder. Few resisted, and the Oficina de Envigado became an important part of the criminal landscape in Medellín.

Figure 1: Pablo Escobar - Medellín Cartel Network



Berna's role also increased. In the aftermath of the war against the EPL, Berna had gained the trust of the Galeanos, and was made their head of security.¹³ As well as running the Galeanos' bodyguards, Berna allegedly managed money-laundering operations through currency exchange houses and property purchases.¹⁴ Berna was by no means a leader in the Medellín Cartel, but he was now a well-known figure and had access to all the major players and control over the Oficina de Envigado and its sicario network. Chris Feistl, a veteran DEA agent with several tours in Colombia, believes that by 1992 Berna was a respected figure in the cartel and very hands on.

"He (Berna) would have been privy to a lot of the inner workings, a lot of the details, a lot of who was doing what in Medellín, who was being paid... a lot of that stuff," Feistl told InSight Crime. "He was privy to a lot of internal, kind of sensitive information as far as it related to the Medellín Cartel and crime going on in that area."¹⁵

Despite his privileges in the Cathedral, by 1992, Escobar sensed, perhaps correctly, that he was losing control over the Medellín Cartel. All the traffickers affiliated with the

Medellín Cartel still had to pay El Patrón a fixed amount every month to be allowed to continue doing business, and increasingly they were resenting it. But as Escobar saw it, he had made the sacrifice of going to prison, taking the pressure off them so they could make money without serious harassment.

Resentment against Escobar grew when El Patrón decided to raise his "tax" on cartel members from between \$200,000 and \$500,000 a month to up to \$1 million. Some members complained.¹⁶ Galeano and Moncada were among them. What's worse, El Patrón thought they were stealing from him. In July 1992, Escobar's worst suspicions were confirmed when his men found a stash of \$20 million rotting on one of Galeano's properties. Escobar was furious. He authorized the money be stolen and summoned Galeano and Moncada for a meeting at the Cathedral.

"I was the chief of security for Fernando Galeano, and on Friday, July 3, 1992, almost a year after having surrendered, Pablo summoned him to the Cathedral," Berna later testified. "I told him: 'Patrón, do not go up to the Cathedral, send somebody else,' because I greatly distrusted Pablo. But Fernando felt that Escobar would never hurt him, that up till now he had served as the best of friends."¹⁷

Escobar's hitman, Popeye, later related what happened next: "Otto (real name Otoniel de Jesús González Franco) and I killed them in Roberto's cell, within the grounds of the Cathedral. We chopped them up and later set fire to what remained of them. This was the beginning of the end, the trigger for all the war that in the end would send many to the grave."¹⁸

Aware that there would be retaliation from the Galeano and Moncada clans, Escobar dispatched sicarios to wipe out any threats from either family. The two men's brothers and successors, Mario Galeano and William Moncada, were murdered, as well as other allies of the two families.¹⁹ Escobar demanded that the Galeano and Moncada families' employees turn over their employers' property. All of those who owed money to the families now had to pay the debts to Escobar. In one stroke Escobar earned tens of millions of dollars.

However, Escobar's sicarios missed one key member of the Galeano clan. Berna was apparently taking Galeano's wife to the beauty salon when the sicarios struck, and escaped assassination. He quickly realized what was happening and went underground. Using intermediaries, Escobar managed to get Berna on the telephone.

"He called me," Berna later testified. "With total calm, that filled me with terror, he said: 'This is an economic coup. I don't want publicity. If you want to work with me, I will

respect your life. I need you to deliver to me Rafaelito Galeano (another of the brothers)."20

Berna refused.

Galeano and Moncada were held in high esteem by many members of the cartel, and the murders -- which were seen as an act of treason by Escobar -- combined with the higher "taxes," ignited a civil war within the organization.²¹ Colombia's underworld would never be the same.

News of the killings of Galeano and Moncada within the Cathedral also reached the Colombian and United States governments. This was the final straw for President César Gaviria who gave orders that Escobar be moved from the Cathedral to a military base in Bogota. Alerted by his spies of the president's order, Escobar walked out of the Cathedral and became a fugitive once again. The war with the government was back on.



The PEPES

Pablo Escobar had made a long list of enemies, both in the legal and criminal worlds, and these two were about to unite their efforts to take down the drug lord. The vehicle for this alliance was known as People Persecuted by Pablo Escobar (Perseguidos por Pablo Escobar - PEPES). The PEPES were the brainchild of the Castaño family and Don Berna.

According to Carlos Castaño, a PEPES founder, the group's first meeting took place in the middle of August 1992, some 30 days after Escobar had fled the Cathedral.²² Berna represented the still powerful Galeano and Moncada criminal clans, but it was Fidel Castaño (pictured above), according to Berna, who was the undisputed leader of the PEPES.²³

The Castaños had grown distant from Pablo Escobar for several reasons, not least because of Escobar's stated affinity for left-wing guerrillas, and his alleged links to M-19 and another rebel group, the National Liberation Army (Ejército de Liberación Nacional - ELN). Berna's motivations were less clear cut. Berna was upset about the murder of his boss, Galeano. But for journalists Santiago La Rotta and Natalia Morales, who wrote a book on the PEPES,²⁴ Berna's defiance of Pablo Escobar was more about an opportunity to move up in the criminal world than vengeance for his boss' assassination.

Many say that the support he gave to the Galeano and Moncada families was only a product of opportunism and that the decision to fight the Medellín Cartel was not "a

show of daring and loyalty," they write, "but rather a master play to acquire the assets and power of the deceased, that permitted him to move from chauffeur and bodyguard to powerful capo."²⁵

It is likely that both factors were at play: that Berna was genuinely sickened by Escobar's betrayal with the killing of his boss, and that he also saw a significant opportunity to advance himself.

With the Castaños and Berna on board, the PEPES had muscle, but now they needed money. Here, Escobar's bitter rivals of the Cali Cartel, who had long been at war with the Medellín drug lord, were happy to oblige. Berna managed this relationship,²⁶ a key indicator of his leadership role in the organization.²⁷ The fight against Pablo would cost an estimated \$50 million, most of which came from the Cali Cartel. One of the Cali Cartel leaders, Helmer "Pacho" Herrera, later asserted that he alone invested \$30 million in the war against Escobar.²⁸

The PEPES, once they had the backing of the Cali Cartel, were formally constituted in November 1992. At the top were the Castaño brothers; a former army officer and longtime Castaño associate, Carlos Mauricio García Fernández, alias "Rodrigo 00"; and Berna.²⁹ They divided the tasks. Fidel Castaño preferred to remain in his stronghold in Córdoba.³⁰ The day-to-day was left to his brother Carlos -- who preferred the bright lights of Medellín³¹ -- his right-hand man Rodrigo 00, and Berna.

The PEPES and Their Bureaucratic Elite Connections

While the PEPES were formed in November 1992, it was not until February the next year that they made their first public act of defiance, leaving a corpse in the boot of a car with the sign: "For placing car bombs. Papiado for Pablo Escobar. For Colombia, Los PEPES."³²

As Mark Bowden wrote in his seminal account of the hunt for Escobar, the group's initial appearance was "electrifying, and started a national guessing game about their identity."³³

After that, the appearance of the corpses of Escobar associates became a regular occurrence. This "controlled bloodbath," as Bowden wrote, spooked Escobar.³⁴ Their targets were anyone who was either close to El Patrón personally, or important to his operations. They tracked and then murdered Escobar's lawyers, allies, money launderers, family members, and business partners, targeting the "secret white-collar infrastructure" of Escobar's organization, dealing crippling blows to his finances, Bowden wrote.³⁵

The PEPES also worked their official connections. Carlos Castaño was already registered as a DAS informer, under the name "Alekos," and he continued to feed the agency intelligence.³⁶ Rodrigo OO, the former army officer, managed relations with the armed forces. And Berna was the PEPES' conduit to the Police Search Bloc.

The PEPES and the Search Bloc

The Search Bloc was formed in 1989, as Escobar's war against the state reached its height. After Escobar surrendered in 1991, the members were dispersed and rejoined regular units. Following Escobar's escape from the Cathedral, however, the Search Bloc was quickly reformed. In this second hunt for Escobar, the bloc counted just over 600 members and was based out of the Police School Carlos Holguín in Medellín. Twenty-five officers, the cream of the national police, commanded the bloc. They were by definition a bureaucratic elite,³⁷ with direct links to the presidency and carrying out the highest profile and priority task of the government.

One officer in particular had been picked for his skill in gathering intelligence and planning operations. He was Major Danilo González, and he lay at the heart of the Search Bloc. González graduated at the top of his class at the police cadet training school in 1977 and was seen as one of the brightest policeman of his generation. The DEA, after the death of Escobar, would sing his praises and would give him a commendation complete with an autographed fingerprint of the Medellín drug lord at the bottom: "Because of your selfless dedication and willing sacrifices, the world's most sought-after criminal was located and killed," the certificate read.

"He collaborated with us very closely," Joe Toft, who headed the DEA office in Colombia, told a journalist later. "He was definitely one of the best."³⁸

González (pictured right) was to become the key contact with the PEPES, most particularly Berna but also Carlos Castaño. His job was to get the intelligence needed to bring down Escobar, and he was prepared to do this even if it meant throwing the rulebook out the window.

He also represented Berna's first alliance with the bureaucratic elite and perhaps his most important, one which was to last until González's assassination in Bogota on March 25, 2004. There is no doubt that Berna and González became close in the hunt for Escobar. In his book, Berna describes his first meeting with González: "the connection was immediate," he



wrote "... He took notes of everything I told him and was happy with the great quantity of information that he received."³⁹

An ex-Search Bloc official reported that, "Danilo often patrolled with Berna, and this sinister character often walked into the Carlos Holguin School like he owned the place."⁴⁰

This was not González's first dalliance with the underworld. He did a stint in Cali early in his career, where he first made contact with mafia elements, in particular two former policemen, Wilber Varela and Victor Patiño-Fomeque, who later became part of what was called the Norte Del Valle Cartel (NDVC), an organization that dominated Pacific Coast drug trafficking during the decade following the fall of the Cali Cartel in 1995.⁴¹

The relationship between the PEPES and the police was not just personal but institutional. In the battle against Escobar, the PEPES principal job was to provide intelligence to the Search Bloc. It was this intelligence that the police desperately needed. Escobar had humiliated the security forces in the past, and they realized that the only way to beat the Medellín drug lord was through accurate and timely information about his operations, his safe houses, and, if possible, his whereabouts. "The order was given from above and they told us: 'If you have to meet with the devil do it, but you have to finish off this monster (Escobar),' " reported a member of the Search Bloc.⁴²

This pressure meant that the Search Bloc was all too ready to get into bed with the PEPES. Indeed, it could be argued that without the PEPES the elite police body would have been stumbling blindly through Medellín's criminal landscape, something that had already happened at the end of the 1980s during its first incarnation. There are, in fact, innumerable sources that have spoken of the links between the Search Bloc and the PEPES. The former National Police chief, Gen. Oscar Naranjo, for instance, admitted that: "There was a direct channel of communication between the police and the PEPES and this fed the agencies of the United States."⁴³

The DEA boss in Colombia at the time, Joe Toft, went further.

"Evidence indicates that some members of the Search Bloc and the PEPES were not only carrying out joint operations, some of which resulted in kidnapping and possibly killings, but that it was actually the bosses of the PEPES, and not the police, who gave the orders to shoot."⁴⁴

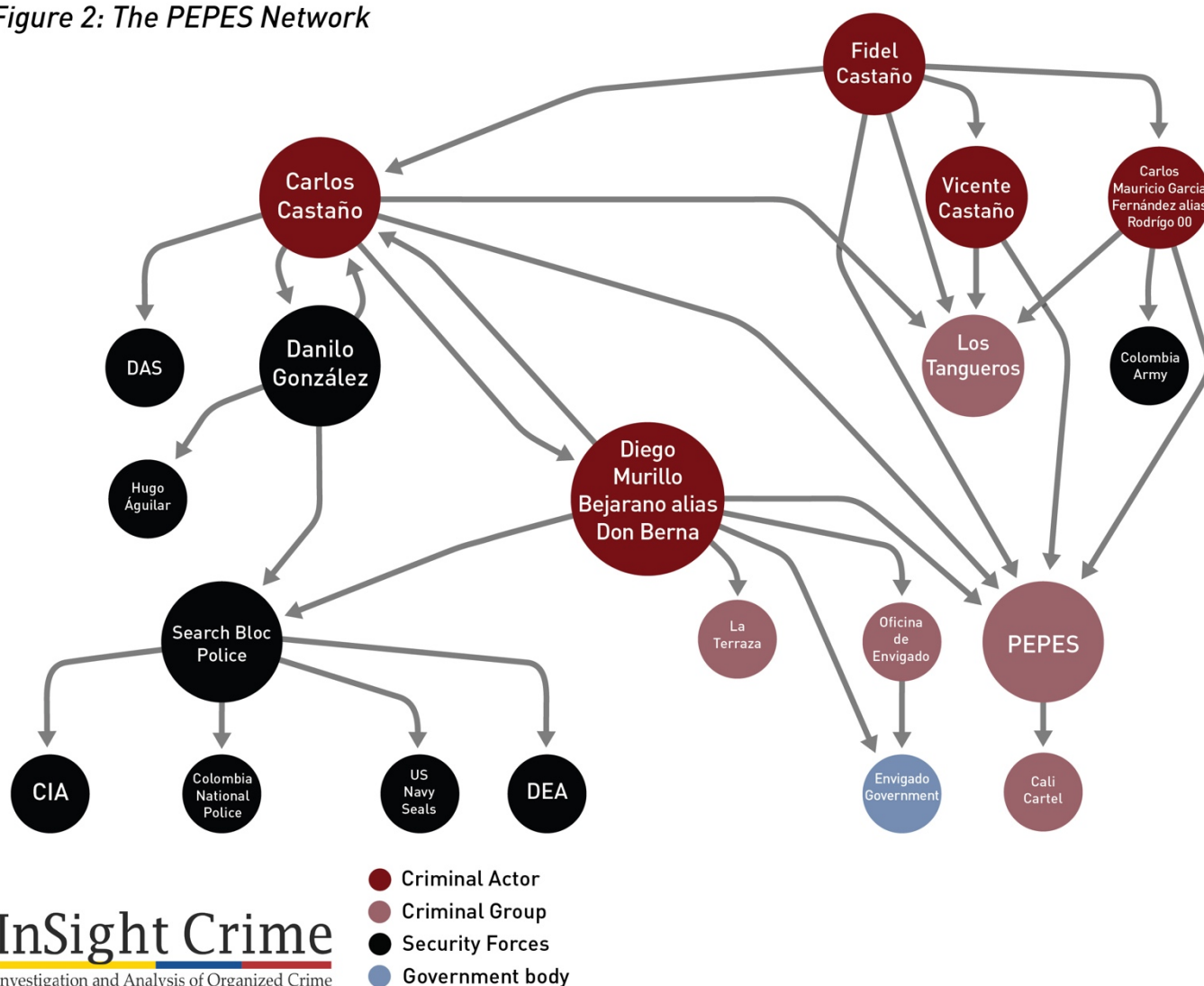
The Search Bloc commander, retired Col. Hugo Aguilar, also admitted that Berna was important in the hunt for Escobar and said that he worked as an informer for the police.

He said that Berna delivered information that allowed the Search Bloc to set up wiretaps and prevent attacks by Escobar's men.⁴⁵

Berna himself has spoken about his time with the Search Bloc and stated that his contacts also included members of the US government security and intelligence forces: "Frequently I would go to the headquarters of the Search Bloc, near a car park by the Atanasio Girardot Stadium. The CIA (Central Intelligence Agency), the DEA and members of the Naval Special Forces [Navy Seals] of the United States were there. The ones I spoke to the most were the men of the DEA."⁴⁶

Chris Feistl, a veteran DEA agent who worked in Colombia for more than five years, agreed. Berna "was one of the main liaison guys, for lack of a better word, that went between the PEPES and police and the DEA to provide information," he said.⁴⁷

Figure 2: The PEPES Network



As Forrest Hylton noted, there have even been suggestions that the DEA "used Berna's men -- who lived down the street from them -- as bodyguards when going on missions off the base to which they were theoretically confined."⁴⁸ And, according to Mark Bowden's account, Berna and other members of the PEPES, "stayed in a house just outside the Holguin [police] base,"⁴⁹ something top members of the PEPES also said.⁵⁰ This allowed constant and permanent interactions with the Search Bloc.

The PEPES became so effective, so quickly, that other members of the Medellín Cartel either turned themselves in to authorities, feeling they would be safer in prison, or lined up to cooperate with Berna and his colleagues. As Pablo Escobar got weaker, and the PEPES got stronger, the line of drug traffickers deserting the Medellín drug lord grew longer. In order to ingratiate themselves with the PEPES, they were happy, indeed keen, to tell all. Berna became privy to the deepest secrets of Medellín's drug trafficking world. And he was soon to convert this knowledge into power.

By December 1993, Berna and his police cohorts had surrounded and defeated El Patrón, his shooting on the roof of a Medellín house an inevitable result of their powerful alliance. Escobar was dead, as Carlos Castaño once boasted, "thanks to the PEPES and the union with the state."⁵¹

For Berna, the relationships he developed with the police, particularly with Col. Danilo González, were to be as important in his continuing rise in the underworld as those forged with the Castaño brothers, the remnants of the Medellín Cartel, and the drug traffickers from the Pacific Coast who were to transform themselves into the Norte Del Valle Cartel (NDVC). First, he had to consolidate his hold on the remnants of the Medellín Cartel and the criminal economy of the city itself.

Phase II: 'Don Berna' Consolidates Medellin (1994-2000)

The Oficina de Envigado

The year 1994 was one of huge turmoil in the Colombian underworld. Escobar, this towering force, was gone. The PEPES dissolved. The Castaños and Rodrigo OO returned to Córdoba, where Fidel Castaño, the family's pillar, was killed, allegedly by Marxist rebels. Carlos, his other brother, Vicente, and Rodrigo OO began to set up the prototype paramilitary group, the Peasant Self Defense Forces of Córdoba and Urabá (Autodefensas Campesinas de Córdoba y Urabá - ACCU). And they turned their attention to fighting the FARC guerrillas. Danilo González and the Search Bloc left Medellín for Cali, where they turned their attention to their former allies of the Cali Cartel, which simultaneously strengthened the NDVC.

For his part, Berna stayed in Medellín, seeking to fill at least part of the power vacuum left by the death of El Patrón. He was now perhaps the most powerful enforcer in Medellín, having control over the Oficina de Envigado and La Terraza, the notorious group of sicarios. But following Escobar's death, many groups of sicarios and bagmen who had worked for El Patrón began to strike out on their own and were carving out territory in the city itself and selling their services to the highest bidder.⁵²

Studies indicate that between 1985 and 1990 there were 153 criminal gangs in the Valle del Aburra -- home to Medellín and neighboring municipalities Itagüí and Envigado -- most of which were linked to the Medellín Cartel.⁵³ In the aftermath of Escobar's downfall, these groups became "small armed businesses."⁵⁴ The Oficina de Envigado set out to control them, organize what was quickly becoming disorganized crime. In 1994, as part of this effort, Berna arranged a meeting with a selection of gang leaders. He told them that he was going to be in charge of what remained of the Oficina de Envigado and, of course, their operations. Defiance, he added, would be punished.⁵⁵

Over time, the Oficina developed into a sort of Attorney General's Office for criminals. It was used to police the drug trafficking groups, ensure debts were collected and punish those who refused to obey underworld "law."⁵⁶ There were several aspects to this "regulation" of the drug world: how to guarantee deals, how to ensure that people paid the "tax" on drug shipments, and who responded for lost or seized shipments and broken agreements.⁵⁷ Enforcing rulings required an armed structure, and while the Oficina had a core of trusted people, much of the work was "contracted" out to sicarios like those of La Terraza.⁵⁸

The Oficina also became the body that collected the "quotas" or taxes that Berna demanded from traffickers in the city.⁵⁹ During Escobar's time, the Oficina knew all the criminal players in Medellín and was an extremely powerful criminal entity, but Berna took it to the next level. With time, he developed more sophisticated set of "taxes" on criminal activity, charging a tax on every kilo of cocaine smuggled; charging for the rights of certain gangs and personalities to operate in parts of Medellín; charging protection for senior drug traffickers to live unmolested in the city. Soon it expanded from taxing purely drug trafficking activities into taxing local drug dealing, gambling, private security, prostitution, extortion and illegal gasoline sales, to name but a few.

With the collapse of the Cali Cartel in 1995, the Oficina's function as underworld policeman went national. No single leader or structure controlled all the links in the drug trade, and different players began to specialize in different links of the drug chain. This was to crystalize in the second generation of Colombian drug trafficking organizations, the Norte Del Valle Cartel and the United Self-defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC), which the Castaños set up as they

expanded their paramilitary model across the country. These were federations where powerful drug traffickers and mafia figures worked together, coordinating not just drug trafficking activities and corruption of security forces, but the staging of a national political movement. They did not always get along and when there was conflict Berna would step in, resolving disputes using any means necessary.

Berna was also engaged in a campaign to stamp his authority across parts of Medellín where it was still not recognized. In the late 1990s, Forrest Hylton writes, "Publicly sanctioned security forces incorporated into Berna's growing network 'cleansed' a large part of the city center," which contained Medellín's red-light district and a large open air drug market.⁶⁰ In order to make the city "safe for urban redevelopment," Berna's men "threatened, displaced, or murdered the district's 'disposable' inhabitants--drug sellers, addicts, prostitutes, street kids, petty thieves, called 'desechables'," Forest adds.⁶¹ After 2000, Berna's "city-wide 'pacification' campaign was supported by state security forces, businessmen, politicians of both parties, and the Catholic Church," he says.⁶² It was the beginning of what many would later term "Donbernabilidad," a play on the Spanish term, "gobernabilidad," or "governability."



Berna and the Bureaucratic Elites

During the hunt for Escobar, Berna met a local prosecutor working with the Search Bloc named Cruz Elena Aguilar.⁶³ Aguilar had a brother, Carlos Mario Aguilar Echeverri (pictured right), who worked with the Attorney General Office's Technical Body of Investigation (Cuerpo Tecnico de Investigacion - CTI). The two Aguilars eventually became part of Berna's team of people working to undermine Escobar. And in the aftermath of Escobar's death, Aguilar Echeverri left the CTI, took on the alias "Rogelio," and expanded his role in Berna's group. Using his CTI contacts, he ensured that no cases were built against Berna and the Oficina de Envigado. He would also send warning of any imminent security force operations against the group.

Rogelio eventually emerged as one of the most important figures in the Oficina, his power deriving from his management of other bureaucratic and political elites. He managed the payments to corrupt members of not just the CTI and the Attorney General's Office, but also policemen, soldiers and even politicians.⁶⁴ In 1997, he came to the attention of Colombian authorities when he was linked to arms and drug trafficking.⁶⁵ By then the infiltration of the Attorney General's Office in Medellín had become notorious,⁶⁶ and Rogelio had entered Berna's inner circle.

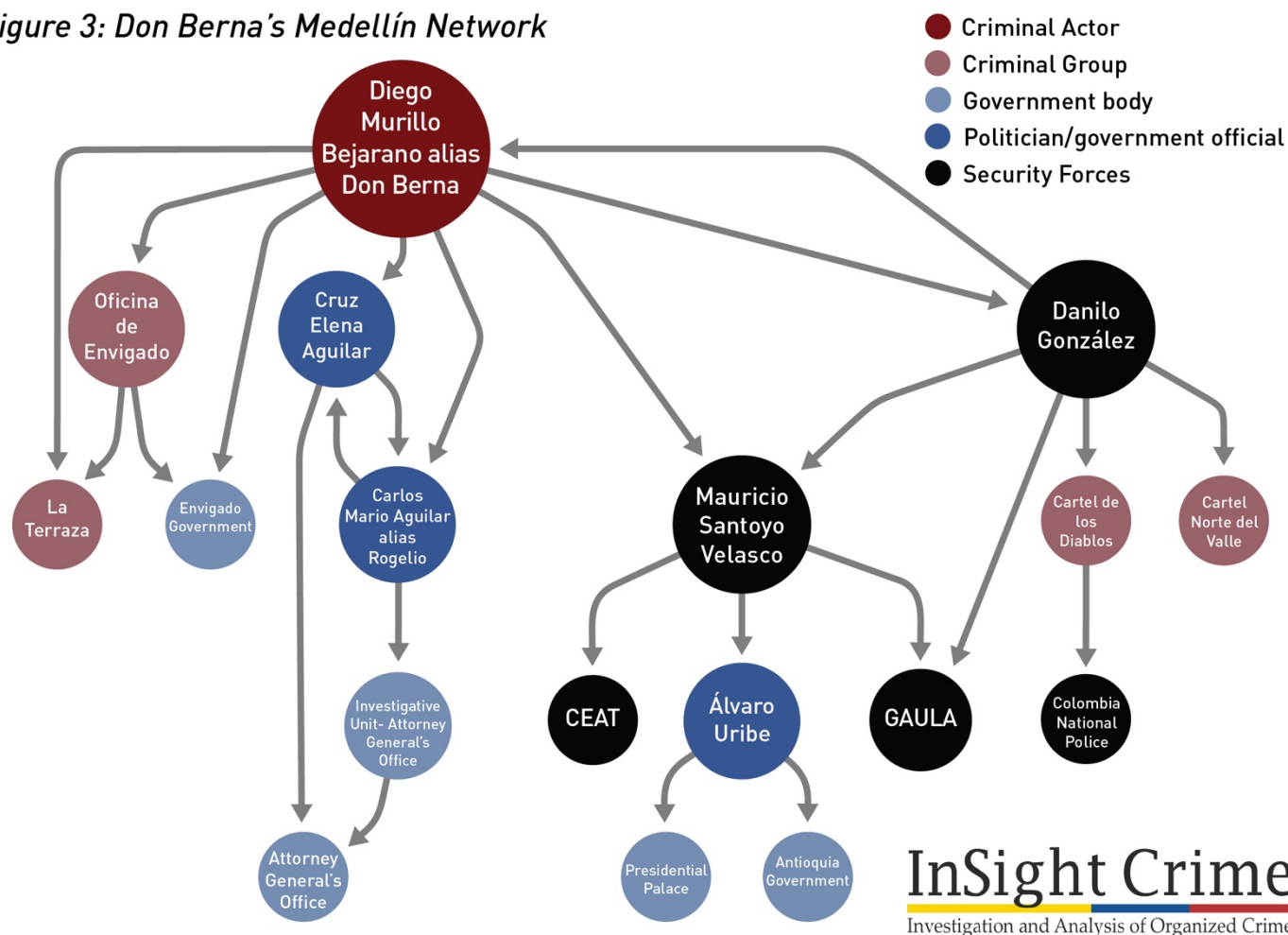
Berna also stayed in touch with Danilo González, his former Search Bloc ally. Andres Lopez, the former trafficker made famous by his book and telenovela "El Cartel de los Sapos," said that González had a deep and longstanding relationship with Berna and the Oficina de Envigado long after Escobar died. This has been echoed by other underworld sources, including Norte del Valle Cartel member Hernando Gómez, alias "Rasguño," and former AUC commander Salvatore Mancuso.⁶⁷

The relationship between the two men after Escobar died went well beyond passing intelligence. In March 1996, for instance, González had a hand in the killing of a former Berna ally turned rival, Cali Cartel kingpin Jose Santacruz Londoño. Santacruz had escaped a Bogota prison seven weeks before, humiliating the government. He became the priority target of the Search Bloc which, according to official reports, cornered him on a mountainside above Medellín and killed him in a shootout. Right from the start there were questions about the killing and inconsistencies in the police version of events. The family of the capo cried foul and said he had been executed.⁶⁸ Unofficially, it seems Santacruz was located and executed by González's old PEPES contacts, Carlos Castaño and Berna, then passed over to the police to stage his death. No one in the police was prosecuted for any wrongdoing.

González, meanwhile, was creating his own criminal organization that eventually would rival the Oficina's power. Indeed, in the underworld, González and his network of active and retired policemen eventually took on the name, the "Devil's Cartel." So powerful was González that DEA agent Feistl said he was the unofficial commander of the police for years: "Danilo González, even after he retired from the police, was the most powerful person within the police in Colombia. He basically ran them. He would tell people who were to be the commanding generals, who would be transferred where; he would have certain people stationed in certain areas, he had that much influence and exerted that much control."⁶⁹

Berna was not only to use the services of the Devil's Cartel, but he would also provide services to the network. This relationship with González gave Berna a huge advantage and provided him with connections to a long series of bureaucratic elites within the police. One of these connections was with the government's anti-kidnapping unit. Like the Search Bloc, the Special Anti-kidnapping Unit (Grupo de Acción Unificada por la Libertad Personal - GAULA) was a critical node in the government's fight against criminals and insurgents. They also controlled wiretaps, a huge source of information and power in both the political and criminal worlds.

Figure 3: Don Berna's Medellín Network



González served as GAULA's head of intelligence following his stint with the Search Bloc, and, on at least one occasion, he used his connections in the underworld to resolve a kidnapping case for one of Colombia's most powerful political elite families.⁷⁰ González also most likely introduced Berna to Major Mauricio Santoyo Velasco, who took over GAULA in Medellín in 1996. Santoyo was to become an important part of Berna's criminal structure and put his command at the service of organized crime.

Santoyo was a well-placed bureaucratic elite. During his time as head of GAULA, he worked closely with politicians across the country, among them then Antioquia Governor and future Colombian President Álvaro Uribe. In 2000, Santoyo became commander of the Elite Anti-Terrorist Unit (Cuerpo Élite Antiterrorista - CEAT). And in 2002, he became the head of President Uribe's security detail. Santoyo's relationship with Uribe later got Berna access to the presidential palace and Santoyo immunity in Colombia.

The relationship between Berna and Santoyo was important on various levels. According to one agent who worked with Santoyo, it involved arms trafficking and sharing of intelligence, some of which was culled from the GAULA wiretaps. "The collaboration [between Santoyo and Berna] comprised of escorting arms from the rural zones of Antioquia, and intercepting telephone lines, belonging to guerrillas, people who owed something to the paramilitaries, or NGOs that had something to do with the subversives," the agent said.⁷¹

In a US indictment later filed against Santoyo, US prosecutors corroborated these information exchanges. "It was further part of the conspiracy that in exchange for these bribes, the Defendant would provide intelligence information collected by Colombian law enforcement to drug traffickers, including information on individuals who were later targeted to be murdered by these drug-traffickers," the indictment against Santoyo read.⁷³

In return, Berna paid Santoyo large sums of money. Francisco Javier Zuluaga Lindo,



alias "Gordo Lindo" -- a drug trafficker who worked with the AUC paramilitary organization -- said that Santoyo received up to \$100,000 a month from Berna.⁷⁴ Zuluaga also claimed that Santoyo had given the Oficina information of a DEA operation against the criminal structure, for which he was paid an additional \$250,000.⁷⁵

Santoyo (pictured left) also helped Berna deal with his rivals. In 1999, members of La Terraza robbed a stash of money that Carlos Castaño had left in Medellín. The affront came as Berna was consolidating his hold on the Medellín underworld and building up the Oficina de Envigado as the organization that dominated all criminal activity in the city. La Terraza, which had 25 leaders and over 200 assassins on the payroll, felt they were being paid "worker salaries," while members of the Oficina were getting shares in drug routes and other criminal activities across Medellín.⁷⁶

After the robbery, Berna turned on the gang. In August 2000, his men murdered the head of La Terraza, Elkin Sanchez Mena, alias "El Negro." La Terraza responded by killing Berna's brother, Rodolfo, the man who allegedly killed Escobar on that Medellín rooftop. Soon, the war was felt across the city. In addition to numerous bloody, public assassinations, there were two high profile bomb attacks: one that exploded in the upmarket shopping mall of "El Tesoro," which left one dead, and 53 wounded,⁷⁷ and a second in the popular night spot, Parque Lleras, where eight people were killed and more than 130 injured.⁷⁸

Eventually, Berna turned to Santoyo to help crush the dissident group. According to the US indictment against the police official, Santoyo provided intelligence, including wiretaps, that helped locate the leaders of La Terraza, and may have used the CEAT to carry out some of the killings.⁷⁹ Several criminals who worked closely with Berna corroborated these accounts. "He fought La Terraza with the help of the CEAT, commanded by Mauricio Santoyo," said convicted drug trafficker and AUC member Juan Carlos Sierra, alias "El Tuso."⁸⁰

In 2002, Santoyo became the head of security to the newly elected president, Álvaro Uribe, a position he was to hold until 2006, but his relationship with Berna continued. This was one of the most powerful positions in the police, rivaling even the national police chief in terms of access and influence. Indeed, Santoyo had become one of the most powerful bureaucratic elites in Colombia, with the ear of the president. According to El Tuso, he used this influence to ensure the transfer of officers who refused to cooperate with the Oficina, sending them to dangerous and remote postings,⁸¹ as well as providing a steady stream of intelligence to the criminal group.

Phase III: 'Don Berna,' the Paramilitary Commander (2000 - 2005)

Don Berna and the AUC

It is not exactly clear when Berna formally became a part of the United Self-Defense Forces of Colombia (AUC), the nationwide paramilitary umbrella organization formed by the Castaño family in 1997. Although a former guerrilla, his politics were not obvious, even when he turned on his former comrades in the EPL. Yet his allying himself with the paramilitaries against the Marxist rebels was another turning point in his criminal career. It strengthened his relationship with another set of bureaucratic elites and allowed him to expand his criminal empire. It also led to what amounted to a bloody coup by drug traffickers like Berna to take over the AUC.

In his own testimony, Berna insisted he was there right from the start, when the Castaño family formed the ACCU in 1994. And in declarations to prosecutors in 2007, he suggested that it was the PEPES who founded the ACCU.⁸² Berna certainly had maintained contact with Carlos Castaño from the days of the PEPES, and he attended meetings with Castaño around the birth of the AUC.

The relationship with the Castaño family grew following the death of Santacruz Londoño, when Berna hid in Córdoba, with protection from the Castaños.⁸³ And it was solidified during the Castaños' and Berna's war against La Terraza, a watershed moment for Berna not only for his campaign to establish a criminal hegemony over Medellín with the Oficina de Envigado, but also in terms of his relationship with the AUC.

"In my particular case, we are talking about more than 20 years of activity in the ACCU and AUC, and of the actions carried out by the three blocs of the Self Defense Forces that I commanded," he told the Colombian Supreme Court in 2009.⁸⁴



This version has been challenged, however, by other paramilitary leaders and authorities alike. Former ACCU commander Fredy Rendón Herrera, alias "El Aleman," said that Berna (pictured right) was not there when they formed the group. He added that he thought Berna's anti-subversive stance was simple posturing, a means by which he could escape prosecution for drug trafficking when later the AUC demobilized and negotiated a settlement with the government.⁸⁵ Rodrigo oo, Berna's former PEPES' ally and later his enemy, echoed Rendón's statement,⁸⁶ and said Berna saw the AUC as a way to expand his criminal reach.⁸⁷ For their part, government prosecutors could not establish Berna's connection to AUC activities until 1999, also contradicting his testimony.⁸⁸

It was Rodrigo oo who had the most to lose from Berna's emergence as a paramilitary commander. By 1999, Rodrigo and his Bloque Metro were operating in much of Medellín. This had not been part of Berna's plan. He had wanted the paramilitaries to help eliminate rivals and then leave the city to him. However, Rodrigo was from Medellín and had already conducted successful rural counterinsurgent campaigns, working alongside the military in Córdoba and in large swathes of Antioquia. He was also staunchly against the AUC's direct involvement in drug trafficking, something he regularly told the Colombian and international press.

To be sure, Berna's entrance into the AUC was part of a massive expansion of the paramilitary army from its core in Antioquia and Córdoba across the country, which included numerous criminal organizations. Franchises of the paramilitary group appeared in many places around the country, and many of the new leaders were quite simply drug traffickers. These included Juan Carlos Sierra, alias "El Tuso," Carlos Mario Jiménez, alias "Macaco," and Francisco Javier Zuluaga Lindo, alias "Gordo Lindo." Different paramilitary groups also began to engage in a wide range of criminal activities, even kidnapping, a practice which in no small part had led to the formation of the AUC. But the biggest business was drug trafficking.

In 2000, Berna opened his own AUC contingent. Known as the "Bloque Cacique Nutibara" (BCN), its principal mission in Medellín, according to government investigators, "was to combat the combos and gangs that were still not pledged to the organization of the self-defense forces and whose actions were causing damage to the

civilian population."⁸⁹ (Berna officially appeared in the high command of the paramilitaries in 2002, when he was featured as the "Inspector General" of the AUC under the alias of "Adolfo Paz."⁹⁰)

In reality, the BCN was a wing of the Oficina de Envigado. More mafia than military network, it was the type of organization best suited to moving across the criminal fault lines in Medellín, where bribery and intimidation were far more effective than direct military confrontation. One of the BCN commanders, for instance, was Rogelio, the former government investigator turned Oficina operative.⁹¹ Rodrigo OO went as far as to say that BCN was really little more than the remnants of La Terraza, reorganized and re-equipped.⁹² Other non-paramilitary observers agreed.

"The BCN never operated properly like a paramilitary force or self-defense force as we know them. It operated here in the comunas (poor neighborhoods). It came from the period of Escobar and was at the service of drug trafficking, of the Oficinas," Jaime Fajardo Landaeta, a former peace adviser to the Governor of Antioquia province, told Verdad Abierta.⁹³

To a certain extent, the strategy worked. By the end of 2001, Berna was the undisputed head of the drug trafficking world in Medellín. Within the city, only Bloque Metro and leftist militias, strongest in the Comuna 13, a sprawling ghetto overlooking the city, refused to do his bidding. Bloque Metro leader Rodrigo OO was becoming a particular problem, not due just to his power in Medellín, but also to his constant declarations of how the drug traffickers had taken over the AUC, with Berna at their head. Berna now began to plan the removal of these two obstacles in Medellín and the surrounding area, but he needed bureaucratic elite allies to make it happen.

Operation Orión

By August 2002, Álvaro Uribe had taken up residence in the Casa de Nariño, the presidential palace, voted into power on the back of a promise to take the war to the Marxist rebels. It was fitting that he began his counterinsurgency campaign with his native Medellín, ordering the security forces to expel the left-wing militias from their stronghold of the Comuna 13.

The militias were perhaps the fastest growing and most disciplined illegal force in the city. They had been formed during the 1970s in response to the threat of criminal gangs and the state's poor effort to control them.⁹⁴ In the 1980s, these groups had transformed into what were termed "militias," molded by guerrilla ideology, mainly thanks to ELN and EPL influence.⁹⁵ Their objective -- according to experts like Alonso Espinal, Jorge Giraldo Ramirez, and Diego Jorge Sierra -- was to take back neighborhoods from the

criminal gangs that had "completely taken control over these territories, often with the complicity of local authorities."⁹⁶

In the 1990s, this process had accelerated. With the disintegration of the Medellín Cartel, the militias began multiplying and successfully took down several criminal gangs.⁹⁷ Their campaign to "clean" the barrios won them broad support as they "[appropriated] the security function of the state," Espinal, Ramirez and Sierra write.⁹⁸ And from 1993 onwards, the militias expanded from one single group to ten.⁹⁹

As groups like the "Milicias Del Pueblo y Para el Pueblo," (Milicias of the People and for the People) expanded, they began to recruit from the gangs they had vowed to expel. The militias also became a fixture of Medellín criminal life, dominating many parts of the city, particularly the Comuna 13. Their ties to illegal activities, even drug trafficking, deepened,¹⁰⁰ and soon they began to look more like the criminal gangs they had been formed to fight.¹⁰¹ They also challenged Berna's aim to establish a criminal hegemony in Medellín and became a top security threat for the state.

The proliferation of the left-wing militias alarmed the political and economic elites, who were also watching the Marxist rebels of the FARC and ELN expand their power in the countryside. In 1996, the alarm bells rang when the FARC concentrated some 500 rebels against the military base of Las Delicias in the southern province of Putumayo, killing 27 soldiers and capturing 60 more. Other startling rebel assaults followed. For the first time there was a real fear that the FARC would be able to take power. That there were left-wing militias in Medellín, Colombia's second city, was a cause for intense concern on the part of the bureaucratic elites who sought to realign themselves with those who could help them deal with this threat.

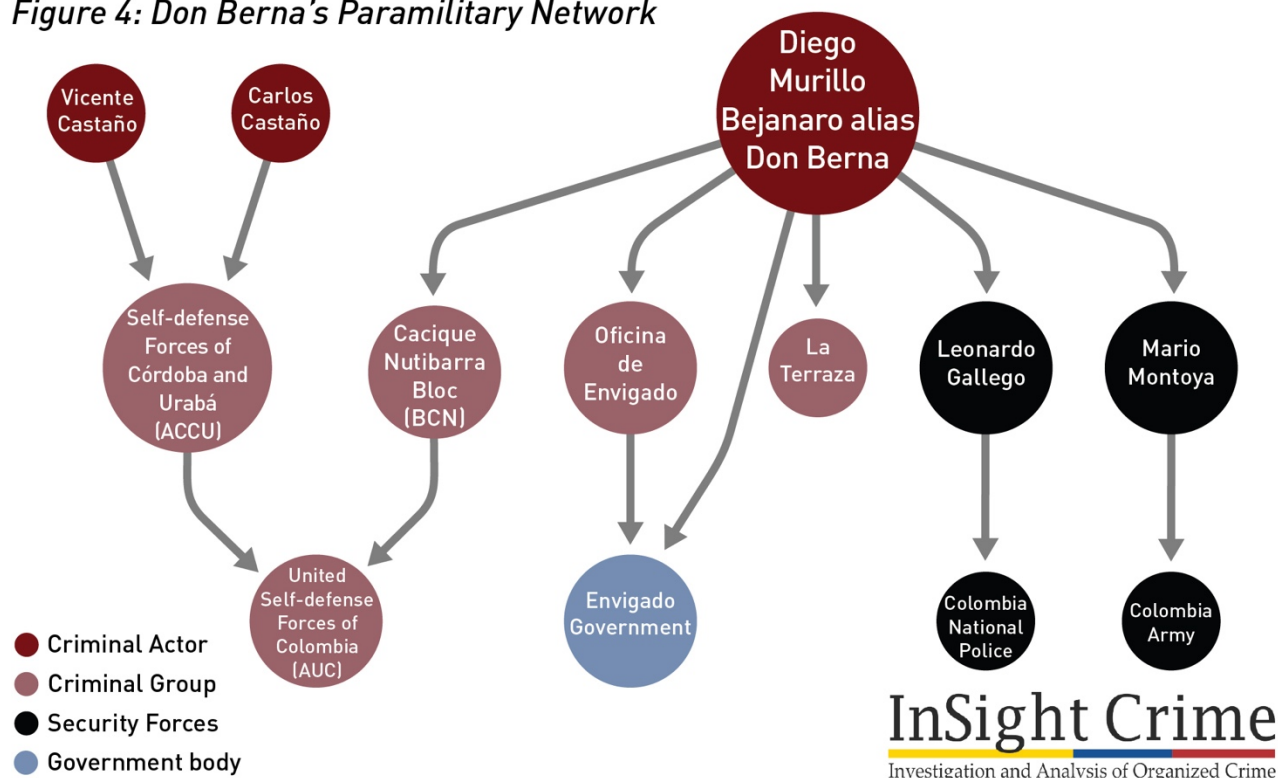
Among these elites was Gen. Mario Montoya. Montoya was the commander of the army's IV Brigade. Based in Medellín, but with responsibility across much of Antioquia, the IV Brigade had a working relationship with many paramilitary groups already. For his part, Montoya had been working with Rodrigo Oo in the rural areas, where as part of what was known as "Operation Mariscal," the military had taken on the ELN in their stronghold of Cocorna and the FARC along the strategic highway that linked Medellín with Bogotá.¹⁰² Montoya had also passed weapons to Bloque Metro.¹⁰³ Although Montoya would later deny these relationships existed, both Rodrigo Oo and other former paramilitary leaders corroborated these accounts.¹⁰⁴

By August 2002, Montoya was allegedly working with Berna as well. Juan Carlos Sierra, alias "El Tuso," one of many drug traffickers to enter the AUC ranks, said that Montoya "was on the payroll" of the Oficina de Envigado.¹⁰⁵ And US cables asserted that in Medellín the BCN was supported by elements of the military.¹⁰⁶

Berna is also believed to have recruited Medellín's police chief, Gen. Leonardo Gallego, who allegedly went onto the Oficina's payroll to the tune of almost US\$10,000 a month.¹⁰⁷

Berna's interests certainly coincided with those of the military even if his motives did not: he wanted the leftist militias destroyed because it furthered his criminal interests. It was a perfect example of a mutually beneficial relationship where the bureaucratic elites needed Berna and organized crime to carry out their mission, and Berna needed the bureaucratic elites to help him eliminate a rival. Berna himself testified as much. In a letter to Judge Richard M. Berman of the New York Southern District Federal Court written some years later, Berna explained that the state security forces under Montoya and Gallego "asked for [Cacique Nutibara's] help in liberating the zone from the guerrillas."¹⁰⁸

Figure 4: Don Berna's Paramilitary Network



Coordination reportedly started well before the operation. A CIA informant alleged that the army, the police, and the BCN drew up a document laying out their plan for what would be called Operation Orion in the days leading up to the coordinated assault; Montoya, Gallego, and paramilitary leader Fabio Jaramillo all signed it.¹⁰⁹ And on October 16, 2002, BCN and Oficina personnel entered Comuna 13, army helicopters hovering above for support.

By day two, the military was moving through the neighborhoods; and at night the paramilitaries were doing the same. Often operating from official security force-vehicles and using militia deserters, BCN and Oficina personnel found militiamen, snatched them from the streets, then tortured and executed them.

By day four, it was over -- the leftist militias were gutted and expelled from the Comuna 13. At least 92 victims were later identified, but hundreds are believed to have been murdered by Berna's men and security forces.¹¹⁰

Destroying Bloque Metro

Getting rid of Bloque Metro and Rodrigo OO was much more difficult. Initially, Berna could not openly challenge him. Rodrigo OO was a fellow member of the PEPES, one of the ACCU and AUC founders and had trained most of the original cadres that formed the core of the paramilitary army. He was also a close friend of Carlos Castaño. Berna had to bide his time and build up his army, which he did with the formation of the BCN.

Berna also had to foster a change in the makeup of the AUC so that the paramilitaries were more favorable to his drug trafficking side than Rodrigo OO's anti-drug trafficking side. Little by little, Berna was able to isolate his rivals. In 2001, Carlos Castaño resigned as head of the AUC. And in 2002, Rodrigo OO withdrew from the AUC and proclaimed Bloque Metro "a dissident force."¹¹¹

By then, Berna was part of the paramilitary "Estado Mayor" (the ruling body) and had, thanks to his power in the drug trafficking world, far more friends than Rodrigo OO in the paramilitaries. For his part, Rodrigo OO had refused to involve himself in drug trafficking and had therefore earned the distrust of almost every other paramilitary leader who was feeding off the drug trade. Incredible as it may seem, by 2002, the AUC had become the main regulator and arbiter of the cocaine trade, with more reach and power than Pablo Escobar had ever had.

However, Berna knew that he was never going to be able to destroy Bloque Metro militarily without help from his contacts in the bureaucratic elites. Indeed, according to Rodrigo OO, the defining moment in his struggle with Berna was when Gen. Montoya (pictured below) switched sides.¹¹² He said evidence of this came in August 2002, when Montoya's troops ambushed a Bloque Metro convoy in Segovia, Antioquia, killing 20 of Rodrigo's men. "Berna offered him far more money than I ever could, and he took it," said Rodrigo OO.¹¹³



The battle had begun. Within a few months BCN, the Oficina de Envigado and their allies in the police had pushed Bloque Metro out of 37 of Medellín's 45 districts.¹¹⁴ Berna and his men then took aim at Bloque Metro's heartland, the rural area of Antioquia, principally the northeast of the department and Rodrigo's headquarters in the municipality of San Roque. Working with the army and Carlos Mario Jiménez, alias "Macaco,"

another drug trafficking-paramilitary ally, Berna closed in on Rodrigo's rural holdings. According to Rodrigo, the battle between his Bloque Metro and his two rival paramilitary groups led to over 1,000 deaths in various municipalities of northeast Antioquia.¹¹⁵ Faced with an enemy that had the support of the Colombian security forces as well as very deep pockets, Rodrigo fled the area.

With the help of his bureaucratic elite allies, Berna had won another battle.

'Donbernabilidad'

By November 2003, Berna had it all. To begin with, he was the undisputed master of Medellín, exercising via the Oficina de Envigado, control over all criminal elements of the city. The Oficina could count on some 6,000 armed men, and control of Medellín was assured through the Oficina's control over at least 300 combos with thousands more gang members at the ready.¹¹⁶

By 2004, the Oficina de Envigado and its model had expanded. It was, in essence, an umbrella organization under which a multitude of smaller "oficinas de cobro," or collection offices, operated throughout the country. It was through these smaller oficinas that Berna controlled all criminal activity in Medellín and in much of Colombia.

These oficinas were localized, semi-autonomous criminal structures but that all had the same function of regulating the underworld. They resolved criminal disputes, ran extortion rackets, collected debts related to drug trafficking or gambling, and offered assassination services. Many also provided local private security services. Punishment for failing to pay one's debts, however small, ranged from having one's fingers amputated to being shot dead in the street.¹¹⁷ The oficinas were not just muscle. If one needed to seize an indebted drug trafficker's possessions, such as his house, ranch, or cars, it would dispatch a lawyer to coerce or bribe people into signing over the goods.

In Medellín, the Oficina de Envigado was so efficient that Berna was even able to control homicide rates. From 2003 until 2008, Medellín's spectacularly high murder rate

dropped some 50 percent after Berna ordered his organization to keep murders down. The international press talked of the city's "renaissance."¹¹⁸ But within the city, this control was known as "Donbernabilidad," a play on the term Spanish word for governance, "gobernabilidad." Nobody was allowed to kill without Berna's express permission.

"Nothing happened in that city [Medellin] without Berna or the Oficina de Envigado giving the blessing," Feistl told InSight Crime. "And if it did happen without their consent or approval, those people paid the price for it. Everybody was basically afraid to do anything; unless it was regulated by Berna, it didn't happen. So, crime was under control, murders were under control, unless they were the ones doing the crime or the murders."

The Oficina, he added, had essentially taken "a page out of the chapter of the old US mafia days, you know the mafia in New York and Boston, going back to some of the organized crime in Chicago, where these guys were so intimidating, and exerted so much pressure and influence throughout that entire city and all that implied, that people were terrified to do anything."¹¹⁹

Berna's near hegemonic control over Medellín enabled him to impose a business-like order on criminal activity: businesses paid a single collector, and especially for small businesses the sum was often manageable enough that sometimes some said that it "didn't even feel like extortion."¹²⁰

Berna had undisputed control of the Oficina de Envigado, but apart from him at the top there were many intermediary leaders and many distinct mechanisms within the network, which worked on a subcontracting basis.¹²¹ Berna's strength lay in his role as the "great regulator": he strategically redistributed power, resolved disputes, and managed the many nodes of his large organization.

The combos within his vast network also functioned as small, specialized businesses, often dedicated to just one illegal activity: carjacking or assassinations. He was a natural mediator and negotiator, described by sources within the Attorney General's Office as "more of an attorney than we are." This allowed him to continue his relationship with the elites in Medellín, as he was able to deliver governability and guarantee security results.

The model was so successful that other AUC leaders adopted it. By the time the AUC had demobilized in 2006 as part of a national peace process with the government, there were oficinas de cobro in almost every city in the country, and in every area where the paramilitaries had a presence. This network of criminal structures became the artery

along which the lifeblood blood of the cocaine trade flowed. Berna, of course, sat at the top of that pyramid.

"Berna...holds the title of Inspector General of the AUC, but is the de facto leader of the AUC, and directs all of its narcotics trafficking activities, including all of its cocaine transportation and financial operations," the 2004 US indictment against him read.

"Murillo Bejarano has maintained his power in the AUC in part from the proceeds of his drug trafficking activities."¹²²

In sum -- with the Oficina de Envigado, his paramilitary units, his gangs and his bureaucratic elite connections -- Berna had created the most powerful and sophisticated organized crime syndicate in Colombian history.

Analysis - Conclusion



(Photo by Carlos Villalón)

The criminal influence of Berna in Colombia is hard to overestimate. In order to understand the evolution of Colombian organized crime, one has to understand the systems put into place by Berna in Medellín. And to understand these systems, one has to understand the alliances Berna developed with bureaucratic elites.

Berna's relationship with these elites began during the hunt for Pablo Escobar. Berna was one of the founders and leaders of the PEPES, an illegal group dedicated to taking down the Medellín drug lord. His first alliances were both personal and institutional. Berna worked closely with police Col. Danilo González. González was the prototypical bureaucratic elite -- a career officer who worked the government's most important cases giving him access to huge amounts of resources, connections to politicians and international law enforcement. He was also a criminal, with ties to a powerful group of former police who were building an underworld empire of their own.

Berna's relationship with González, along with his membership of the PEPES, was to catapult the former guerrilla, who was initially a middle ranking member of the

Medellín cartel, into a top position in the drug trafficking world. The PEPES provided not just intelligence for the police, but also firepower and willingness to do the dirty work needed to flush El Patrón into the open long enough for authorities -- or possibly Berna's brother -- to kill him.

Fernando Quijano, a former left-wing militia leader in Medellín, who now runs a non-governmental organization, lived through the violence and continues to follow the security situation in Antioquia's capital. He said the PEPES functioned as the "dogs of war" for the police, doing the dirty work that the security forces couldn't openly perform.¹²³

But it was Carlos Castaño, Berna's ally in the PEPES and the founder of the AUC, who said it best when he stated that the PEPES "were tolerated by the attorney general, the police, the army, the DAS, the inspector general's office, and President Cesar Gaviria himself never ordered that they pursue us."¹²⁴

In essence, the most powerful bureaucratic elites in the country were happy to work with the PEPES, as noted by DEA Agent Feistl.

"I think one of the more significant reasons why they (Berna and the Castaños) got to be so powerful and why the PEPES were such an important stepping stone to the AUC and everything else, was because of that alliance that the PEPES formed with the government of Colombia in an attempt to kill Escobar," explained Feistl. "They were, down the road, granted -- I don't want to say favors -- but a lot of officials in Colombia kind of looked the other way while they were doing business because they didn't want to go after them or target them because of what they did and the information they provided to get Pablo and have him killed."

Feistl added: "I think those alliances that they formed with the government, kind of like a debt so to say, meant that the government didn't really go after them for quite some time, which really enabled them to get their start and build a lot of power in Medellín and the surrounding areas."¹²⁵

To be sure, the contacts Berna made during this period, both state and underworld contacts, were also to shape his criminal career and his strategy going forward. That strategy has been described by analysts such as Morales and La Rotta, as opportunistic and ruthless. This is true: Berna was ambitious, prepared to stab anyone in the back to get ahead. However, you do not survive wars with Pablo Escobar, left wing militias, rival paramilitary factions, and rise to the top of one of the world's most brutal underworlds as a simple opportunist.

There was something more. While he was not a charismatic man, and his physical appearance was not the most appealing -- even before he took 17 bullets to his body and lost one of his legs -- Berna was a master negotiator and regulator. All markets, particularly illegal ones, need regulators, systems of protection so that transactions are honored and business can function. In the cocaine world, where the stakes are high and loyalties fragile, the regulator needed to be utterly ruthless and totally reliable. This was Berna's skill.

In the case of his criminal peers, he was able to create a system that regulated the underworld market from the local to the national scale. This system, known popularly as the *oficina de cobro*, based on the *Oficina de Envigado* prototype, are now present in all of Colombia's major cities and have spread across Latin America, in many of the transit nations through which Colombian cocaine passes, with branches as far afield as Spain.

For the bureaucratic elites, Berna was also useful. Not only could he provide them with money, but he also helped them fight their principal enemy and provided the kind of "law and order" they never could. In other words, Berna was able to corrupt elements of the bureaucratic elites, and to make himself indispensable to them on a strategic, operational level. This was clear in both his efforts to fight leftist militias and his ability to tame the criminal gangs in Medellín itself, including, of course, Pablo Escobar.

The result, as was illustrated, was a plethora of allies amongst the bureaucratic elites. Danilo Gonzalez assisted with the PEPES and later helped clear out a rival trafficker from the Cali Cartel. Santoyo's relationship with Berna began when he was a police major in Medellín, and ended when he was a police general in charge of the security of the president. Throughout, he assisted Berna as he took on Medellín gangs, helped him consolidate his hold on Medellín and made sure it remained under Berna's control for years thereafter. Police Gen. Gallego and army Gen. Montoya helped Berna in his fight to obtain control of Comuna 13 and to eliminate his paramilitary rival, Rodrigo OO. Throughout, ranking members of the Attorney General's Office made sure that Berna was not prosecuted. And numerous other officials and security forces personnel aided Berna and his criminal groups in myriad ways.¹²⁶

These allies obtained what they wanted, but everything Berna did to "help" the bureaucratic elites furthered his own position as well. He was the principal beneficiary of the downfall of Escobar and turned Medellín into the capital of his criminal empire which stretched from the Pacific Coast right up to the Caribbean. When the left-wing militias were expelled from Medellín, it was not the state that occupied the power vacuum, but Berna, and the Comuna 13 became one of the strongholds of the *Oficina de Envigado*. In the countryside, the territory that belonged to Bloque Metro became the rural stronghold of Don Berna.

In short, bureaucratic elites played a role in every stage in Berna's career. There can be no doubt that without the help of powerful bureaucratic elites, Berna would not have reached the pinnacle of Colombian organized crime. Along the way, Berna achieved what Escobar could not, what El Patrón did not even realize could be the key to criminal power -- what Forrest Hylton described as, "the unification of organized crime with the establishment."¹²⁷

Many people believe the Medellín Cartel died with Escobar in 1993. It did not. It transformed itself under the leadership of Berna, and evolved into the most sophisticated organized crime syndicate in Colombia, perhaps the most sophisticated in all of Latin America. Berna, a rational and strategic thinker who shunned Escobar's high-profile lifestyle but embraced his brutality, learned an important lesson from Escobar's ill-fated and expensive war with the Colombian government: the key to success lay in coopting, rather than confronting, the state. As such, his alliances with bureaucratic elites were the key to his rise and perhaps the strongest weapon in his arsenal.

Epilogue

In November 2004, I met with Berna on one of his haciendas in Cordoba. At the time, he was the single most powerful figure within the AUC and a household name in Medellín. He had also recently dispatched his chief rivals, Carlos Castaño and Rodrigo OO.

The irony is thick: Berna and Castaño had clashed over extradition, the same theme that had brought down their nemesis, Pablo Escobar. Berna and his drug trafficking cohorts in the AUC were negotiating to avoid extradition; Castaño thought extradition was inevitable. Not only was Castaño working against Berna at the negotiating table, there were rumors that he was in talks with the DEA, preparing to hand himself in in exchange for a more lenient prison sentence in the US.¹²⁸ But on April 16, 2004, Castaño (pictured right) and his close protection team were killed by trusted collaborators, acting on the orders of Berna and Carlos' brother, Jose Vicente.



"Berna [is] the head of drug trafficking, not only in the AUC but in the whole country," Rodrigo OO told *Semana* just after Castaño's murder. "Carlos had become an enormous obstacle for the drug traffickers to obtain unity and absolute power within the AUC, in order to radicalize their position in the negotiations with the government. Carlos was against the principal

issues of the negotiations becoming those of extradition and the defense of the interests of drug traffickers."¹²⁹

For his part, Rodrigo OO had escaped Colombia after Berna's and the army's all out assault on him and his Bloque Metro in 2003. He was later debriefed by both the CIA and the DEA in Panama. However, defiant and determined to undermine Berna, he had returned to Colombia by 2004.¹³⁰ But he was careless, and Berna's vast intelligence network tracked him down by following one of his girlfriends from Medellín to the coastal city of Santa Marta where he was hiding. The former member of the PEPES, the founder of the ACCU and AUC, and former Bloque Metro commander was assassinated in May 2004, just a month after Berna had Rodrigo's friend, Carlos Castaño, murdered.

Berna did not talk about these killings during our interview. Instead, the drug lord and underworld regulator presented himself as a purebred paramilitary, forced in the face of guerrilla atrocities, to defend himself and those communities that trusted in him, as the state was impotent or unable to fulfill even its basic function of protecting its citizens. As he spoke, he looked across his desk to a picture of Carlos Castaño, speaking in affectionate terms of his "old friend," and how in the aftermath of Castaño's death, he had to continue his work.¹³¹

Despite his heroic posturing and strength in the underworld, Berna's façade was beginning to crumble. In 2003, Colombia's Inspector General's Office revealed that GAULA had orchestrated more than 1,800 illegal phone taps between December 1997 and February 2001, while under the watch of Berna's longtime ally, Gen. Santoyo.¹³² At the time of the accusation, Santoyo was the chief of security for President Uribe, and the case was dropped for "lack of evidence." But just one month after his retirement from the police in 2009, Santoyo was charged in the United States for drug trafficking and in 2012, he was sentenced to 13 years in a US prison.

In March 2004, Berna's former top connection to the police in the Search Bloc, Danilo González, was murdered as he emerged from a meeting with his lawyer in Bogota.¹³³ Gonzalez was allegedly negotiating a deal with the United States government. Gallego was forced to resign from the police under a cloud and Montoya also came under investigation, although they were not prosecuted.¹³⁴

Berna himself had also begun to face scrutiny. On November 25, 2003, Bloque Cacique Nutibara was the first AUC unit to demobilize as part of its negotiations with the government, with 868 combatants handing over 497 weapons. For the first time Berna showed his face in public, during a recorded address at the demobilization ceremony. He was no longer in the shadows, but a public figure. Few, however, believed the gesture was genuine. A US government cable revealed by Wikileaks showed that even the US

ambassador questioned the legitimacy of Berna's involvement in the demobilization process and rumors swirled that he and his drug trafficking cohorts might be extradited no matter what they negotiated with the government.¹³⁵

Within the AUC, the demobilization of BCN was also seen as a farce.

"That of Cacique Nutibara was a fictitious demobilization, where the criminal oficinas of Medellín collected uniforms and old weapons for the spectacle that they put on in the Palace of Exhibitions, led by Diego Fernando Murillo," said Freddy Rendón, alias "El Aleman," the former head of the AUC's Bloque Elmer Cardenas.¹³⁶

What made the demobilization of BCN more of a charade was that even as one bloc demobilized, Berna was setting up new ones. In the countryside, Berna set up the two new blocs the "Heroes of Granada" in the area once dominated by Bloque Metro and "Heroes of Tolová" in Cordoba, where he had bought large tracts of land and established drug trafficking routes up the Caribbean Coast. Heroes of Granada was made up of "highly combative" demobilized members of BCN, ex-Bloque Metro members, and deserters from the ELN guerrillas.¹³⁷ Berna demobilized these paramilitary groups almost just as fast. Heroes of Tolová demobilized 465 members in June 2005 and Heroes of Granada another 2,033 members in Rodrigo OO's former stronghold of San Roque, in Antioquia, in August 2005. There were a large number of members of the Oficina de Envigado among those the demobilized in Berna's paramilitary groups, who were able to "clean" their criminal records.

But these forces had no real purpose other than a way to cleanse Berna's image and present him as a paramilitary leader. With Medellín consolidated, the Oficina de Envigado was running the city, so the paramilitary facade was no longer necessary. The AUC peace process was also used as a way of wiping clean the criminal records of some of more notorious members of the Medellín Mafia who had joined the organization in the early 2000s or had purchased paramilitary "franchises" from the AUC. Human Rights Watch estimated that up to 75 percent of those who demobilized with Cacique Nutibara and Heroes de Granada were not actually paramilitary combatants.¹³⁸

But Berna was not done yet. Incredibly, even as he was demobilizing his second set of paramilitary units, he was setting up parallel criminal structures in their place, continuing to expand and consolidate his criminal empire. In Cordoba, the department with the presence of many different paramilitary factions, Berna set up "Los Traquetos," and "Los Paisas," which were to secure access to drug crops in the province and control smuggling corridors up to the Caribbean coast.¹³⁹

Berna's façade formally cracked in May 2005, when an arrest warrant was issued for him in connection with the murder of Orlando Benítez Palencia, a community leader and local politician in Cordoba who had apparently defied Berna. Berna initially went into hiding, but his actions threatened the entire paramilitary peace process, and under pressure from other AUC leaders, he turned himself in.

Once in prison, as Pablo Escobar found out well over a decade before, it became clear to Berna that running a criminal empire from jail was very difficult. Soon, an internal war broke out amongst various Oficina factions. In 2006, Gustavo Upegui, a former member of the Medellín Cartel and an ally of Berna's in the aftermath of Escobar's death, was killed. The killing of Upegui was part of a power play by Daniel Alberto Mejía, alias "Danielito," who was one of Berna's key leaders in the Oficina de Envigado, and had demobilized with one of his paramilitary units.

Meanwhile, Rogelio, Berna's longtime associate who had defected from the Attorney General's Office in the 1990s, was now positioning himself to occupy the top spot, and persuaded Berna to authorize Danielito's assassination in November 2006. With Danielito and Upegui out of the way, Rogelio was now Berna's most trusted lieutenant not in jail. But that too was short lived. In 2008, Rogelio turned himself into US authorities and, in return for information implicating his old criminal allies, negotiated a reduced prison sentence.¹⁴⁰

Berna must have well understood how Pablo Escobar had felt in 1991 as he sat in prison in the Cathedral and saw his power slipping away.

"I'm starting to realize that we're like whores; in the daytime no one greets us, but at night the whole world is looking for us," Berna told investigator Juan Carlos Garzón.¹⁴¹

Legal setbacks came as well. In June 2006, the Peace and Justice Law of 2005, introduced by President Álvaro Uribe and approved by Congress as a way to facilitate demobilization of the AUC, was modified: the Constitutional Court ruled that if paramilitary leaders did not fully cooperate in telling the truth about their criminal actions, and if sufficient restitution was not made, then they would be tried under normal criminal law and could face extradition. What had been extremely generous amnesty legislation for the paramilitaries was given some teeth.

In August 2006, the AUC leaders were ordered to turn themselves in to a minimum-security facility in la Ceja, Antioquia. Then in December 2006, in a surprise move amid rumors of a mass breakout of paramilitary leaders, the AUC commanders were moved from the minimum-security facility in La Ceja, to Medellín's notorious maximum security Itagui prison, where Berna had been resident for well over a year.

By then, Berna's old allies in the bureaucratic elites were insisting that he keep his mouth shut about their relationships. However, if it were proven that he was not telling the truth or fully cooperating with the authorities, he faced immediate extradition to the United States. The bureaucratic elites were now no longer looking for Berna, even during the night. Without them, and without his freedom, the Oficina de Envigado was breaking up and as the bureaucratic elites deserted him, Berna's criminal career was coming to an end.

The official end came in May 2008, when he and another 13 AUC commanders were extradited to the US, after the paramilitary leaders were accused of continuing their criminal activities while in prison. In April 2009, Berna was condemned in a New York courtroom to 31 years in a US federal prison. He plead guilty rather than give up his associates and collaborators. Following his sentencing, Hylton said the bureaucratic elites and Medellín's ruling class should be "grateful indeed" for Berna's adherence to "old school" mafioso rules.¹⁴² However, their day may yet come. Berna still has to answer to the Colombian justice system if he ever leaves his US prison cell alive. He has been charged with 34 crimes in Colombia, including homicide, forced disappearance, kidnapping, and criminal conspiracy.¹⁴³

**This article was written with invaluable research by Claire McCleskey.*

Endnotes

[1] Diego Fernando Murillo Bejarano, *Así matamos al patrón: La cacería de Pablo Escobar* (Colombia, 2014), p. 126.

[2] The official version of events became that a police marksman brought down Escobar as he staggered across the roof.

[3] El Tiempo, "¿Quién es 'Berna' o 'Adolfo Paz', Inspector General de las Autodefensas Unidas de Colombia?" 27 September 2003.

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- [17] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), p. 142.
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<http://www.semana.com/nacion/articulo/de-cazador-cazado/62281-3>
- [22] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), p. 142.
- [23] Ibid.
- [24] Natalia Morales and Santiago La Rotta, *Los PEPES* (Colombia, 2009), p. 62.
- [25] Ibid.
- [26] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), pp. 147-148.
- [27] Natalia Morales and Santiago La Rotta, *Los PEPES* (Colombia, 2009), p. 108.

- [28] Gerardo Reyes, *Nuestro Hombre en la DEA* (Bogotá, 2007), p. 189.
- [29] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), p. 142.
- [30] El País, "Así ayudó 'Berna' a perseguir a Escobar," 6 June 2005. Available at: <http://historico.elpais.com.co/paisonline/notas/Junio062005/A206N1.html>
- [31] McDermott interview with Carlos Castaño, the mountains of Antioquia, 14 January 2002.
- [32] Natalia Morales and Santiago La Rotta, *Los PEPES* (Colombia, 2009), p. 79.
- [33] Mark Bowden, *Killing Pablo* (New York, 2001), p. 187.
- [34] Ibid.
- [35] Ibid., p. 194.
- [36] El País, "Así ayudó 'Berna' a perseguir a Escobar," 6 June 2005.
- [37] "Bureaucratic", "administrative" or "state" elites are those individuals or groups who derive power and influence through the posts they hold in government institutions. Through their positions in the government, security forces or the judicial hierarchy, they are able to influence civil society, shape policy and carry out operations that directly impact everyday life. There have been some isolated studies on bureaucratic elites like that of Gary Spencer, who in 1973 looked at the US military as a bureaucratic elite, focusing on the West Point Military Academy. His position was to look at the threats to democracy such an elite presented. It controlled such key resources and power that if these were used for private means rather than in pure service to the state, democracy itself could be at risk. Examples of this dynamic abound in Latin America, particularly in the Southern Cone nations -- like Argentina and Chile -- where military juntas took power in the 1970s and 1980s. See: Wilhelm Hofmeister, "Las élites en América Latina: un comentario desde la perspectiva de la cooperación para el desarrollo", *Análisis/política y sociedad latinoamericana*, May 2008. Available at: <http://www.ojosdepapel.com/Index.aspx?article=2793>. See also: Gary Spencer, *Methodological Issues in the Study of Bureaucratic Elites: a Case Study of West Point* (Syracuse, 1973).
- [38] David Adams, "Danilo's War," *St Petersburg Times*, 3 January 2005. Available at: http://www.sptimes.com/2005/01/03/Worldandnation/Danilo_s_war.shtml
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[45] Ibid.

[46] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), p. 151.

[47] InSight Crime telephone interview with Chris Feistl, DEA agent, 18 September 2013.

[48] Forrest Hylton, "The Cold War That Didn't End: Paramilitary Modernization in Medellín, Colombia," in Greg Grandin (editor), *A Century of Revolution* (North Carolina, 2010), p. 355.

[49] Mark Bowden, *Killing Pablo* (New York, 2001), p. 186.

[50] McDermott interview with Carlos Mauricio García, alias "Rodrigo 00" in Cristales, San Roque, Antioquia, 25 May 2003.

[51] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), p. 142.

[52] Alonso Espinal, Jorge Giraldo Ramirez, and Diego Jorge Sierra, "Medellín: El complejo camino de la competencia armada," in Corporación Arco Iris, *Parapolítica: La ruta de la expansión paramilitar y los acuerdos políticos* (Bogota, 2007), p. 121.

[53] Ibid, p. 122.

[54] Ibid, p. 123.

[55] InSight Crime interview with investigators in the Attorney General's Office who requested anonymity for the sensitivity of the case, Medellín, August 2013.

[56] InSight Crime interview with Jorge Giraldo, Dean of Humanities at the University of EAFIT and longtime organized crime analyst, Medellín, 27 June 2013.

[57] InSight Crime interview with Juan Carlos Garzón, Bogotá, 13 July 2013.

[58] Ibid.

[59] InSight Crime interview with investigator in the Attorney General's Office who requested anonymity for the sensitivity of the case, Medellín, 27 June 2013.

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- [117] Terra Colombia, "'Oficinas de cobro': tenebrosos 'chepitos' del narcotráfico," 24 May 2011. Available at: <http://noticias.terra.com.co/nacional/Oficinas-de-cobro-tenebrosos-chepitos-del-narcotrafico,f9a6odb6bodb210VgnVCM4000009bf154doRCRD.html>
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[121] InSight Crime interview with Jorge Giraldo, Dean of Humanities at the University of EAFIT and longtime organized crime analyst, Medellín, 27 June 2013.

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[123] InSight Crime interview with Luis Fernando Quijano, Director of the Medellín NGO Corpades, former militia member and longtime Medellín security analyst, Medellín, 2 July 2013.

[124] Mauricio Aranguren Molina, *Mi Confesión: Carlos Castaño revela sus secretos* (Bogotá, 2001), p. 142.

[125] InSight Crime telephone interview with Chris Feistl, DEA agent, 18 September 2013.

[126] During the field research for this paper, dozens of officers from the Colombian National Police and the army were investigated. Those named in this study are just a few of the members of the bureaucratic elite who worked with Berna. For legal reasons, this study has only concentrated on those who played a pivotal role and against whom there is overwhelming evidence. One of the officers mentioned in the study is dead, another is in prison in the US. Generals Leonardo Gallego and Mario Montoya are still at liberty and -- while under investigation -- have not been charged and may never be, although the evidence against them appears overwhelming.

[127] Forrest Hylton, "The Cold War That Didn't End: Paramilitary Modernization in Medellín, Colombia," in Greg Grandin (editor), *A Century of Revolution* (North Carolina, 2010), p. 357.

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<http://www.eltiempo.com/archivo/documento/CMS-5509827> He vehemently denied ever having worked with Berna or any of his subalterns, something echoed by General Montoya, who went on to become the head of the Colombian army until November 2008 when he was forced to resign over what became known at the "false positives" scandals, where hundreds, perhaps thousands of civilians were killed by security forces, dressed in guerrilla uniforms and presented as combat casualties. Such was the pressure from President Uribe for results that army units fabricated them. The attorney general's office, in response to queries as the state of the investigations into General Montoya said that numerous cases were still in the stage of "preliminary investigations." The same went for the single investigation into General Gallego. Another source in the Attorney General's Office said off the record that the investigations were not moving forward, as nobody wanted to pursue them.

[135] US Embassy in Bogotá cable 05BOGOTA10060_a, from WikiLeaks, 26 October 2005. Available: <http://wikileaks.org/cable/2005/10/05BOGOTA10060.html>

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[137] Peace and Justice sentence of Edison Giraldo Panaigua, 30 July 2012, p. 49. Available at: <http://www.fiscalia.gov.co/jyp/wp-content/uploads/2012/10/Sentencia-Edilson-Giraldo-Paniagua-2012.pdf>

[138] Human Rights Watch, *Paramilitaries' Heirs*, February 2010, p. 19.

[139] Verdad Abierta, "'Berna': de Inspector de las Auc a jefe de banda criminal," 9 September 2014. Available at: <http://www.verdadabierta.com/justicia-y-paz/juicios/601-bloque-heroes-de-tolova/5433-don-berna-de-inspector-de-las-auc-a-jefe-de-banda-criminal>

[140] El Tiempo, "Un capo muerto tiene en jaque al general (r.) Mauricio Santoyo," 14 July 2012. Available at: http://www.eltiempo.com/justicia/un-capo-muerto-tiene-en-jaque-al-general-r-mauricio-santoyo_12031290-4

[141] InSight Crime interview with Juan Carlos Garzón, Bogotá, 13 July 2013. Garzón is an expert on Colombian organized crime who met with Berna on several occasions as part of the Organization of American States' commission that accompanied to the paramilitary peace process.

[142] Forrest Hylton, "The Cold War That Didn't End: Paramilitary Modernization in Medellín, Colombia," in Greg Grandin (editor), *A Century of Revolution* (North Carolina, 2010), p. 358.

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‘Jorge 40’

By Steven Dudley



(Photo by Gerardo Gómez/Getty Images)

Rodrigo Tovar Pupo never imagined it would come to this: dressed in an orange jumpsuit in a Washington DC courtroom and standing in front of a United States federal judge, the grandson of a wealthy Colombian cattle rancher and nephew to a governor was facing a possible 30-year jail sentence for drug trafficking. In his own mind, Tovar was a hero, not a drug trafficker -- a warrior, not a criminal.

"I stand before you as a political prisoner and an innocent man," he told Judge Reggie Walton in 2015.

Tovar had grown up in the center of the northeastern Colombian city of Valledupar, in the state of Cesar, where he and his neighbors had carried the most recognizable names in the region. They were, quite simply, the power brokers of the region, groomed to run the government and businesses that dominated much of the northeastern corner of Colombia. Tovar's friends, for instance, included members of the Araújo family, which

controlled much of the political posts, from town halls to governorships to senate seats. His uncle and guardian had been governor of the state, and his grandfather was an important cattle rancher.

However, as Tovar and his elite friends came of age and prepared to take the reins of what their parents left them, the region entered a period of turmoil. Leftist rebels had grown increasingly bold and demanding. And after Tovar, his family and numerous friends and acquaintances were extorted and some of them kidnapped by the guerrillas, he had joined a nascent paramilitary organization, the United Self-defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC).

The AUC was the government's proxy in its war against the insurgents. It was also the elites' way of protecting what they believed was rightfully theirs and preserving the status quo. Some of these elites, like Tovar, became AUC commanders, while poor peasant farmers became its soldiers. Other elites were active and tacit supporters of the AUC, and participated in its efforts to take political and government posts.



Tovar (pictured left) took on the nom de guerre "Jorge 40," and eventually commanded the AUC's forces in the northeast. The war was dirty, and Jorge 40 was not above the fray. Over the course of a ten-year period between 1996 and 2006, he was responsible for hundreds, if not thousands, of deaths and

forced displacements. To date, Colombia's Attorney General's Office has chronicled his participation in 20,855 paramilitary-related crimes; he has admitted to less than 100 of these crimes.¹

The war was also lucrative. Drug trafficking was part of the paramilitary financing strategy. Tovar claims that he simply taxed the criminal groups who operated in his area of influence. But US prosecutors say he took part in the drug trafficking enterprise, profiting directly from the trade.

His fellow AUC commanders faced similar charges. And collectively, the AUC had created not just the largest illegal counterinsurgency force in the hemisphere but also the region's most powerful drug cartel. After the AUC brokered a peace deal with the government and demobilized, these drug trafficking allegations haunted its commanders. In 2008, 14 of them, among them Tovar, were extradited to the US to face these charges.

This is what had landed Tovar in the orange jumpsuit in front of Judge Reggie Walton on November 6, 2015. But while other AUC commanders had admitted to their transgressions and had sought to lower their sentences by cooperating with US law enforcement, Tovar remained defiant, as was evident in the courtroom that November day.

"If I had wanted to be a drug trafficker, I would not have taken up weapons to fight for freedom," he told the judge, referring to his time as an AUC commander. "What I know of the [drug traffickers'] mentality is that they have no other interest than that of money. They, they do not have a homeland, they do not have a love for their country. They do not care if the democratic system of the Colombian people fails. The only thing that matters to them, your Honor, is that with more chaos and anarchy, the bigger the party."

It was vintage Tovar. Since 2006, when he had handed in his weapons and was taken into custody in Colombia, he had played the role of martyr. He might have killed and displaced people, and perhaps even had a role in transporting illegal drugs, but as he saw it, he did so to save his country from the leftist guerrillas who were overrunning his hometown. He had stood up to evil, not succumbed to it.

"They are accusing me of participating in a conspiracy that did not exist," he told the courtroom.

Over the course of three hours, Tovar continued his rant about the Colombian government, the leftist rebels and his drug trafficking-paramilitary cohorts. He only vaguely referenced "errors" the AUC made in Colombia, where Tovar is still facing charges for murder, kidnapping for ransom, forced displacement and many more crimes.

"My war was one of ideas not one of interests. My struggle, my war was for a region and for a country which were in the superior interest of my country both large and small," he insisted.

Tovar referenced Thomas Jefferson and Alexander Hamilton, Hobbes and Voltaire. He cited the Bill of Rights and the State Department's own words about Colombia's "failed state." And he spouted political platitudes and noble goals about national reconciliation.

"I wish that one day I would be able to recover my freedom and be assured your Honor it is not to turn into a drug trafficker," Tovar concluded. "Your Honor, I want to recover freedom to continue the struggle in my country in a country where there should be space for all of us but which should also work in benefit of all."

It was not something Judge Walton usually heard in his courtroom, and while he might have normally respected the prosecutors' request to give Tovar 30 years in jail, this time he took pity on the accused.

"I don't doubt based upon what Mr. Pupo said that he felt that he was engaged in a better good by engaging in the conduct that he engaged in. And I don't doubt that there were laudable objectives," the judge said.

The judge sentenced Tovar to 16 years, but he gave him credit for his over 9 years in jail, and with good behavior, Tovar will be released in less than 5 years. The judge also imposed the minimum fine of \$25,000.

Tovar did not seem surprised. He sat stoically while Walton read his sentence. It was only natural: he believes he is innocent.

Tovar is not alone in his belief that he has been caught on the wrong side of history. There are many who see him as a savior and a martyr for his cause. They believe that he represented them, first on the battlefield and then in the courtroom of public opinion as their paramilitary solution to the insurgents was challenged by lawmakers, human rights defenders, prosecutors and judges throughout the hemisphere.

These views still hold sway in Colombia and elsewhere, as is evident in Walton's decision to go light on Tovar. They hew closely to the regional elite's belief that some areas were abandoned by the central government, left to fend for themselves against a predatory enemy that sought to take what was theirs. Tovar and his AUC cohorts were their army, and this is their story as much as his.

Grand Magdalena Elites

The area of study for this case study involves three states, or departments, as they are known in Colombia: Guajira, Cesar and Magdalena. They form what some of the older locals refer to as "Magdalena Grande," meaning Great or Grand Magdalena. This is a reference to the former official name for the region, which, in the early days of the newly independent country, encompassed all three states. The three remain intimately linked today. Their economic, political and social ties stretch across their borders, along the coast and into neighboring Venezuela. These historic connections create a kind of mythic bond between the states, which, as we shall see, some of the areas' elites have sought to reestablish using their economic might, their political connections, their illicit businesses, and more than a bit of brute force.

Since its formation, Grand Magdalena's economy has revolved around numerous legal and illegal commodities, many of them produced for export. Cotton and cattle ranching have traditionally dominated the agricultural industry in Cesar and Magdalena, although numerous African palm plantations have emerged in the last two decades. Banana plantations have played an important role in Magdalena's history and economic development. The state was the scene of a 1928 massacre of hundreds of banana laborers, immortalized by Gabriel García Márquez's *100 Years of Solitude*. One of the country's traditional arteries, the Magdalena River, runs alongside the state and spills into the Caribbean near an important port.

The region is rich in natural resources. Guajira has long produced and exported salt and minerals, particularly coal, have become a staple of the economies of both Cesar and Guajira in recent years. The growth of mining in the region drew international and national economic actors, especially as Colombia's reliance on coal exports grew, and the government scrambled to shore up its oil reserves. The increasing importance of coal coincided with the time period in which most of the events of this case study took place. Along with these large, industrial-sized mining ventures came private security forces, and later illegal paramilitary groups, which would be used to protect these vital economic interests and maintain the region's status quo.

All of these industries require vast extensions of land, and have been at the heart of the economic interests of the region's elite from the beginning. These elites have dominated the politics of the region as well. Traditional names of these elites are well known in the Grand Magdalena: Baute, López, Araújo, Noguera, and Pupo; and in more recent years, Cote and Gnecco. Many of these families relied on the illicit economies to help them boost their standing, particularly contraband gasoline from neighboring Venezuela, but also fertilizers, farm equipment, auto-parts and vehicles, which, like gasoline, were often



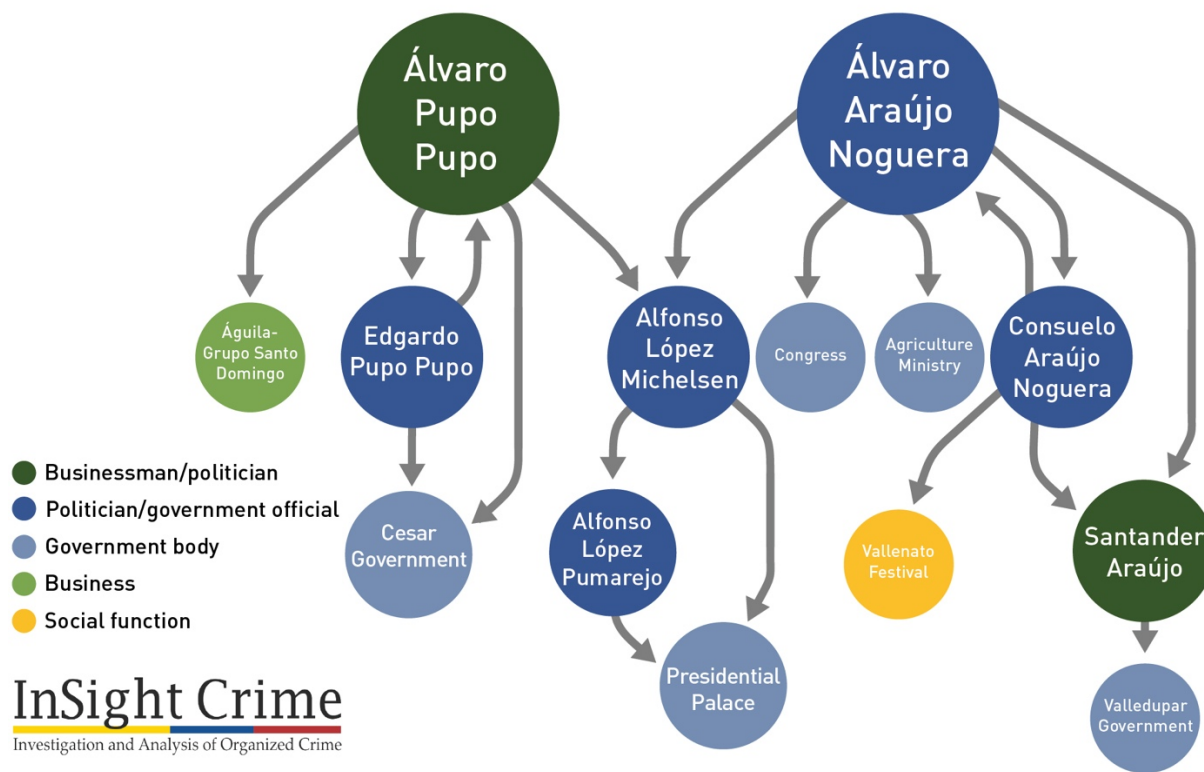
stolen from, or bought at discounted prices in neighboring Venezuela, and brought back to Colombia.

The importance of the region's economy has helped its elites project themselves on a national level. In 1934, Alfonso López Pumarejo, whose mother was a native of Valledupar became Colombia's president. A member of the Liberal Party, one of Colombia's two dominant parties, López Pumarejo became known for his attempts to institute sweeping agrarian reform. These efforts set the stage for the growth of small farming syndicates who challenged the traditional elites' powerbase and emerging export model of economic growth. The result was a clash that culminated in the assassination of Liberal Party presidential candidate Jorge Eliécer Gaitán in Bogotá in 1948. The murder would spark nearly 20 years of sectarian feuds in different parts of the country. The period became known simply as "La Violencia," or The Violence, and provides the backdrop to the half-century of conflict that has followed.

In 1974, López Pumarejo's son, Alfonso López Michelsen, won the presidency. Like his father, López Michelsen was known as a reformist. In the 1960s, he led the Liberal Revolutionary Movement (Movimiento Revolucionario Liberal - MRL), a more progressive wing of the Liberal Party. Although he did not grow up in Cesar, he became its first governor in 1967, after the central government split the Grand Magdalena into the three modern states: Cesar, Magdalena and Guajira. Soon after, he integrated his radical Liberal wing back into the Liberal party fold. While in Cesar, he helped establish a music festival celebrating the local sound, known as vallenato, with the help of a journalist by the name of Consuelo Araújo Noguera. Members of Cesar's elite served in the governor's cabinet, such as Álvaro Pupo Pupo and Álvaro Araújo Noguera, Consuelo's brother. Araújo Noguera later served President López Michelsen as his minister of Agriculture.

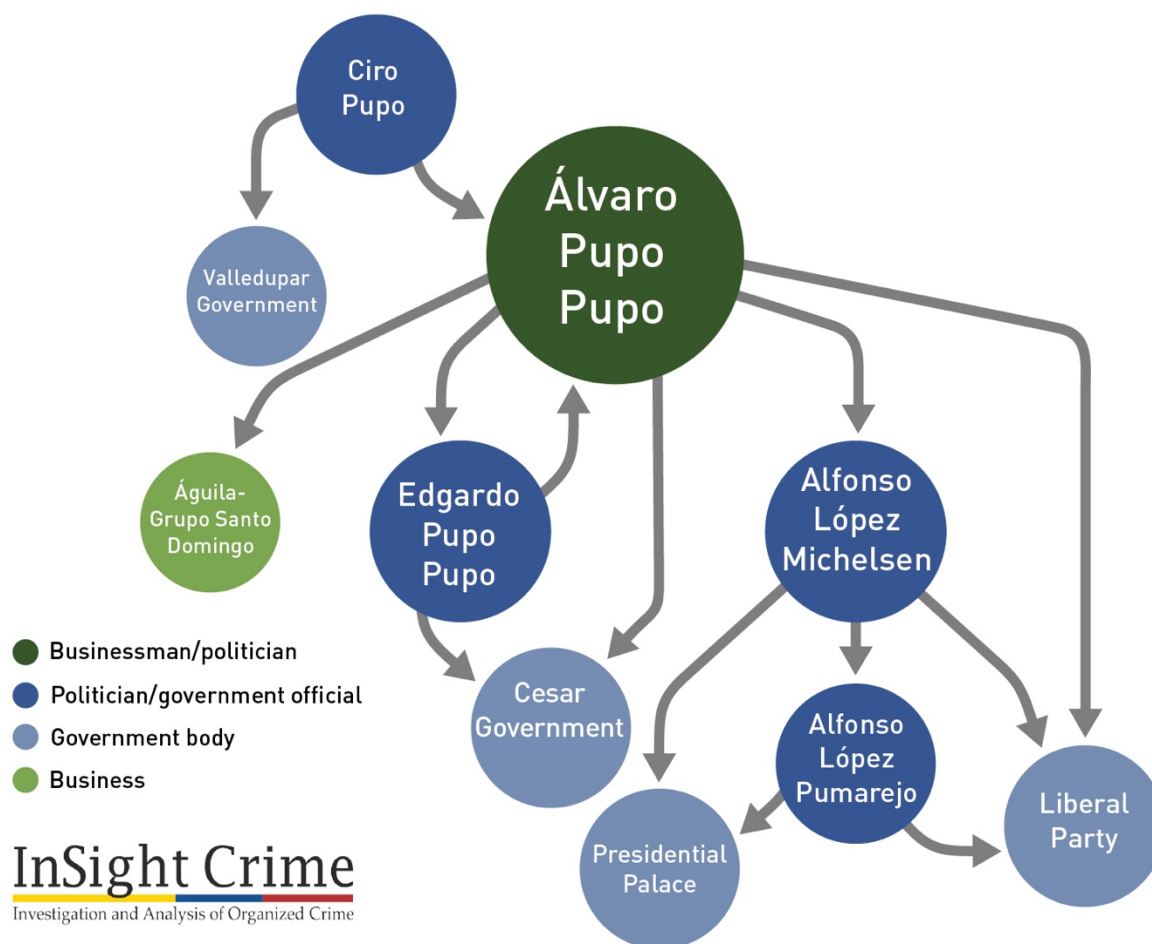
By the time he took office as president, López Michelsen seemed well versed in the Grand Magdalena tradition of combining the licit with the illicit. Colombia was just beginning its surge as a cocaine producer and exporter, and dollars were flowing into the country at historic rates. Using the so-called "ventanilla siniestra," or "sinister window," the National Bank purchased dollars without asking about their origin.² Years later, long after his presidency, López Michelsen met with drug traffickers in Panama, in an effort to help Colombia's elites broker a deal to lower the violence that had surged around the question of extradition.

Figure 1: Pupo - Araújo Networks



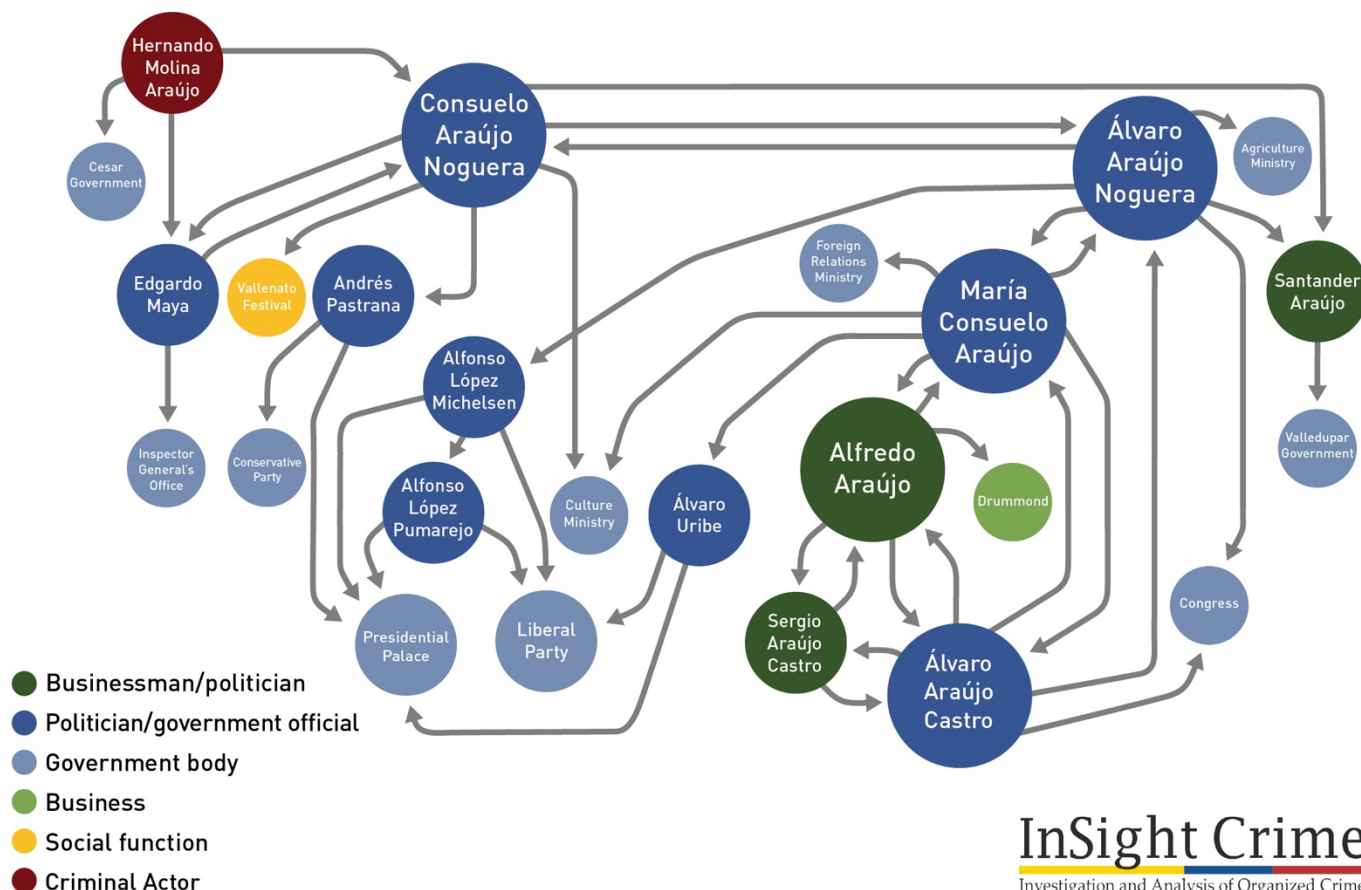
The Valledupar natives, or "vallenatos" -- Pupo and the two Araújo -- would use their connection to López Michelsen and their family backgrounds as a launching pad for their own careers. Pupo later became a key part of the country's most powerful economic conglomerate, the Santo Domingo group, where he ran the Águila beer company and served on its board of directors for nearly three decades.³ His brother, Edgardo, became governor of Cesar. Edgardo's son, Ciro, later became mayor of Valledupar. Edgardo also became the guardian of his sister's son, another up-and-coming Valledupar native named Rodrigo Tovar Pupo, who would take his own, more bellicose path after working with the mayor's office in Valledupar.

Figure 2: Pupo Network



For their part, the Araújo family would become the powerbrokers in Cesar for decades to come. Santander Araújo, the father of Consuelo and Álvaro, was a four-time mayor of Valledupar. After serving under López Michelsen, Álvaro Araújo Noguera became a congressman and senator. While López Michelsen remained the political godfather of the area, Araújo Noguera was his consigliere, anointing political candidates and arranging political posts around his various Liberal Party incarnations. His son, Álvaro Araújo Castro, would become a congressman and senator. His daughter, María Consuelo, would become minister of foreign relations and entertain a run for president. Álvaro's nephew would become the community relations manager and later the general manager for the most important foreign company in the region, Drummond, an Alabama-based coal operation that began operations in Cesar in the early 1990s.

Figure 3: Araújo Network



His sister, Consuelo, was a power in her own right. For years, she held near-dictatorial control over what became known as the Legendary Vallenato Festival, the region's most important music and cultural event. Consuelo would later become the minister of Culture, while her son from her first marriage would become the governor of Cesar. Her second marriage was to Edgardo Maya, who became the country's inspector general. But her earlier bid to become governor failed when it faced a formidable obstacle that would change the way the Araújo family played politics. That obstacle was the Gnecco family. The feud would eventually draw in some of the most violent criminal actors in the country.

Contraband, War and the Rise of the Gnecco Family

The close relationship between political power and illegal activities in recent Colombian history is well illustrated by the story of the Gnecco family. The family began its rise to power by selling contraband gasoline. Venezuela's subsidized gasoline market has made the business a perennial favorite of underworld figures up and down the border. Local

bureaucrats, security forces, and economic and political elites have all benefitted from the trade, and have little incentive to stop it.

The Gnecco family also stole cars in Venezuela and resold them in Colombia. In an unpublished autobiography, Rodrigo Tovar Pupo described the way in which this business had been integrated into the local economy after he obtained a truck from the Gnecco "dealership" for some colleagues.

"I got the car from the black market" he wrote. "This was one of the illicit activities that in those days was normal in Valledupar. From the time that family came from Guajira, that business became normal in the region. They did it in the light of day, and everyone knew about it. The [black] market for auto parts and illegal cars was normal in Valledupar."⁴

The Gnecco family eventually began moving illegal drugs.⁵ With its spectacular and formidable mountain range, and direct access to one of the country's important seaports, Magdalena state has one of the most propitious environments for developing the illegal drug business. In the 1960s and 1970s that drug was marijuana.⁶ In the 1980s, it became cocaine. In both instances, the Gnecco family took full advantage of the business opportunity, and over time became one of the most powerful and influential families in the Grand Magdalena.



At the helm of this operation was Jorge Gnecco (pictured left), an astute, Machiavellian character with a sharp understanding of power. Amidst turmoil, he was the type to smell opportunity. On the Caribbean coast that opportunity came with the swelling of Colombia's insurgent groups. Bolstered by increased kidnappings for ransom and revenue from imposing "taxes" on drug traffickers, businesses and large agricultural interests, the National Liberation Army (Ejército de Liberación Nacional - ELN) and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC) were growing rapidly by the early 1990s.

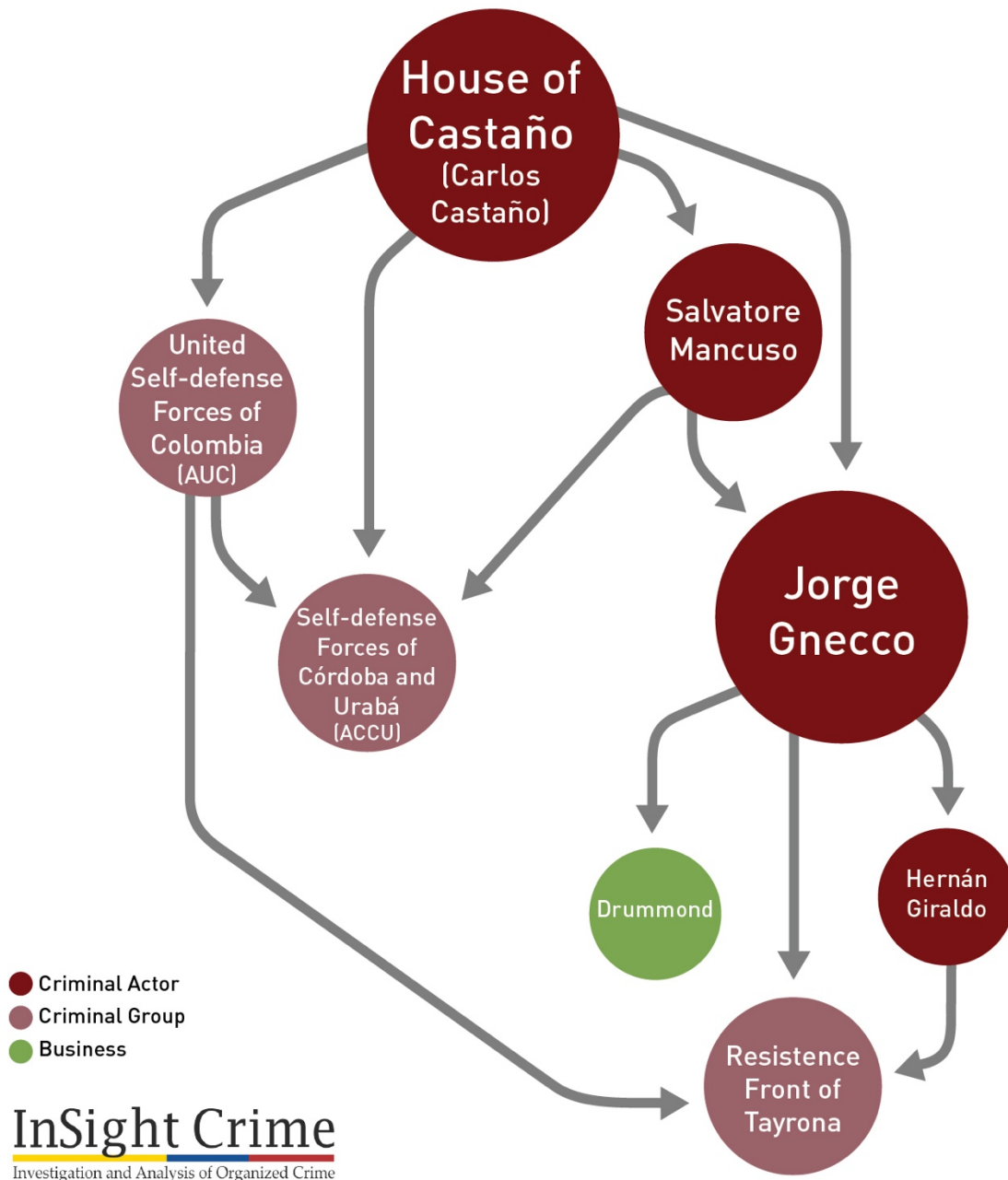
The response of the state to this surge was faint, uneven, and in many cases non-existent. The government was both weak and preoccupied with other matters, namely that of battling drug traffickers who had declared war on the security forces and the elites over the question of extradition. The vulnerability of state forces was laid bare during that battle. Hundreds of police and dozens of judges were killed during the traffickers' campaign against extradition. Drug traffickers targeted elites by kidnapping

them and their children. The planted bombs that left government buildings, newspaper offices and malls in ruins and shook the nation.

The void left the elites in the countryside exposed to other threats such as the guerrillas, who took full advantage. Extortion and kidnapping rose, and the revenue begot more guerrillas and urban militias. Elites in places like the Grand Magdalena responded by supporting the creation of paramilitary groups.

By all indications, Jorge Gnecco was in contact with some of the first paramilitary organizations along the northern coast. This included the most powerful emerging group, the Peasant Self-Defense Forces of Urabá and Córdoba (Autodefensas Campesinas de Córdoba y Urabá - ACCU). Headed by the famed Castaño brothers -- or the "House of Castaño," as it was popularly known -- the ACCU established the first professional, exportable paramilitary model in Colombia. It's not clear when Gnecco came in contact with the ACCU, but it almost certainly involved Hernán Giraldo, a drug trafficker based in the Magdalena with whom Gnecco had done business. Giraldo created his own paramilitary group known as the Frente de Resistencia Tayrona that he would later slot under the Castaño group's national umbrella organization, which became known as the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC).

Figure 4: Gnecco Network



By the mid-1990s, Gnecco was raising money and proselytizing for the AUC in the Grand Magdalena. In Cesar, it was well known that he was a paramilitary boss, and he made little effort to hide it. Indeed, he used it to position his family on a more solid political and economic footing, even while he maintained control over his underworld activities. His longtime transport company expanded and would eventually hold some of the region's most important contracts, like that of transporting Drummond's coal from its mines in Cesar to port for export. He also began placing his relatives and friends in

positions of power. Some of them took important bureaucratic and judicial positions. Others dreamed of higher office.

To advance that plan, the Gnecco family at first allied with the Araújo family. The two clans had a lot in common. They were both Grand Magdalena locals with strong economic, social and political standing. They both had regional standing, which gave them national power. Still, there were important differences between them. The Araújo family considered themselves the rightful political power in the state. For the Araújo family, the Gnecco family were upstarts, nouveau riche who had taken the illicit route to wealth and social standing. For the Gnecco family, on the other hand, the Araújos were what Colombians call "dolphins," whose inheritance, not hard work, put them in power. At first, the two families looked past this issue. In 1992, Jorge Gnecco's brother Lucas, with the backing of Álvaro Araújo Noguera, became Cesar's first elected state governor. But by 1994, the families had begun competing openly. In 1995, the Araújo's candidate, Mauricio Pimiento, won the governor's post, over Jorge's other brother, Pepe Gnecco.

In 1997, the two battled again, this time when Consuelo Araújo Noguera ran for governor against Lucas Gnecco, who was vying for a second term. The campaign played out like class war. At one point, Consuelo called Lucas a "donkey," and accused him of electoral fraud and lying to the public.⁷ Each side also seemed to use its political muscle in underhanded ways to try to oust the other. Days before the election, the country's ombudsman declared Lucas "inhabilitated," or "unfit for office," for two years due to irregularities during his first term as governor.⁸ Gnecco supporters cried foul, and eventually the decision was overturned. Meanwhile, 50,000 new voters appeared on the rolls in Valledupar.⁹ The sudden surge in voters gave rise to claims of corruption when Lucas defeated Consuelo by just over 12,000 votes.¹⁰

The result stunned the Araújo family. While they retained power in some circles, it was clear that the Gnecco family, in particular Jorge Gnecco, was the new power broker in the area. The Araújo family suddenly faced a dilemma that had no easy answer: submit to the new status quo of paramilitary-criminal politics, or join it and employ it to your own ends. They would choose to stake their claim in the new order, with the help of one of their former neighbors and one of the most important elite-organized crime figures in recent Colombian history: Rodrigo Tovar Pupo. This choice would upend politics in the northeast for the next decade.

The Education of Rodrigo Tovar Pupo

In many ways, Tovar's upbringing was the perfect preparation for a future paramilitary commander. He is the son of an army captain, and was raised in part by his uncle, Edgardo Pupo, an astute politician who served as governor of Cesar. This duality is a

useful way to understand the person he became. One side of Tovar is a political animal. He has a keen sense of the importance of creating powerful networks and developing a solid political base from which he can operate. Then there is the war-like side of Tovar: he is a bully, determined to get what he wants at virtually any cost. Both the political and warrior sides of him are evident in his life story, and in his development of a vast criminal and political empire. But it was the military side of his personality that was stronger, leading to the death of hundreds, if not thousands of people in the process of building that empire.

"My biggest war was with myself," he would say later. "I still ask God to get rid of the hate that is in my heart."¹¹

Tovar grew up in the center of Valledupar, where his neighbors, known popularly as "la gente de la plaza," had the most recognizable names in the region: the Araújo, the Castros, the Nogueras, and the Bautes, to name a few. His grandfather, Oscar Pupo, was a prominent cattle rancher. Tovar described himself as "upper middle class," but he blended in without difficulty.¹² With the other elites, he played softball, went swimming and drank whiskey at the local country club.

Some of these elites, like Tovar, went to Bogotá for part of their education. Almost all of them, Tovar included, returned to Valledupar to live and work, "bored" with the "cachacos" or "rollos," as they called the people from Bogotá. They were close, and gatherings around the holidays and the Legendary Vallenato Festival took on an air of familiarity that comes with not having to explain one's origins, customs and idiosyncrasies. Tovar would describe this sense of closeness to his native land in a courtroom later:

My childhood was like so many other childhoods in Valledupar in that we all played together. At that time, there was no light in Valledupar; its streets were dusty, but that didn't make us feel any less proud of what we considered ours...We knew about hard work. Hard work was our way of living. We saw work as an opportunity and a way to advance. That was how it was in that place where everybody knew everybody.¹³

Tovar became an officer in the army but said he had to drop out when he sustained an injury.¹⁴ He then studied agronomy and business administration, and tended to the Pupo family's cattle ranches on the outskirts of the city.¹⁵ One source said the Pupos had as much as 10,000 hectares of land in the region,¹⁶ although this claim could not be verified, and Tovar himself would later say that the only land in his name had been given to his wife and children.¹⁷ Like most in the region, his work brought him to Venezuela, where he sold cattle and other goods. While known as a party-lover in his youth, he got married relatively young, had three children and settled into life in Cesar.

Tovar's children cavorted in the same crowds that he once did. According to an acquaintance, one of his daughters, for instance, dated the son of Alfredo Araújo Castro, the nephew of López Michelsen-cabinet member and regional power broker, Álvaro Araújo Noguera. Alfredo Araújo Castro would later become an important official of Drummond and, according to a former Drummond contractor and numerous witnesses from the company, a key go-between for Tovar (pictured right) in his dealings with the company once he joined the paramilitaries.



Still, from early on, Tovar was known as a leader in his own right and a potential politician who could follow in the footsteps of his uncle, former governor Edgardo Pupo. One acquaintance described him as "el más patrón," or "the man," and very "political."¹⁸ As a youth, he helped with his uncle's campaigns and at one time even volunteered with López Michelsen's radical Liberal Party wing, the MRL.¹⁹ As an adult, he became part of the rice-growers federation and the dairy cooperative. On one occasion, he and others formed a small rice cooperative, which he says was crushed by the national rice federation during a meeting he attended in Bogotá.²⁰

In the late 1980s, Valledupar Mayor Rodolfo Campo Soto hired Tovar as the head of the Control and Price Office. His job was to inspect the quality of dairy and agricultural products, among others, sold in the city. He only lasted a few months before moving to another, less public post in accounting, which lasted through the beginning of the next administration.

City hall would serve Tovar later in many respects.²¹ To begin with, it offered him the opportunity to meet more people, and extend his network. "I was friends with all the businesses, all the businessmen, all the younger generations," he would explain later. "I was friends with military officers. I was friends with politicians. I was friends with the whole world at that time. Let me repeat: everyone was friends with everyone at that time."²²

City hall also gave him a first-hand look at the way in which power worked. Tovar said he refused the mayor's offer to work at city hall multiple times before accepting the challenge to see "if he was corruptible."²³ In his testimony to Colombian authorities later, Tovar said he got his opportunity quickly when a "businessman" offered him money to stop doing his job -- checking the prices -- when it came to the businessman's products; Tovar refused, he said, but he began to wonder what he would do if his own political cadres had asked the same of him.²⁴

Finally, city hall gave him a good understanding of how power was distributed in the country's recently adjusted political system. Just a few years earlier, Colombia had decentralized the government in historic fashion. Beginning in 1988, mayors were elected by popular vote and were given much more control over their budgets. In many ways, it was a step towards greater democracy, and Tovar got a firsthand look at the size and scope of these new budgets, especially when he moved to the accounting office.²⁵ However, the political shifts may have also been premature. The local governments were not accustomed to managing this money. Corruption ran wild. The central government, weak and largely absent in many areas, was also not in a position to protect politicians from the illegal actors operating in places like the Grand Magdalena.

In the case of Cesar, this lack of protection became particularly clear in the early 1990s as Colombia's two main insurgent groups, the ELN and the FARC, began to exert control over citizens and politicians alike. In one area near his home, Tovar said the guerrillas stole land, siphoned from local government budgets, and designated their own candidates for office.²⁶ Tovar would later call it a "parallel" state.²⁷ The reach of the FARC, in particular, was very personal for Valledupar. Ricardo Palmera, a member of the "la gente de la plaza," joined the guerrillas in the late 1980s. He dubbed himself "Simón Trinidad," a play on the name of 19th century independence leader Simón Bolívar. Palmera's intimate knowledge of the region's elites -- in particular their habits and their earnings -- made them easy targets for extortion and kidnappings.

Tovar's family was no exception. The guerrillas kidnapped his cousin for ransom and very nearly kidnapped his father.²⁸ The rebels also regularly extorted the family. Insurgent emissaries would come to his family's cattle ranches demanding food and alcohol, in addition to their monthly quota.²⁹ Tovar said he would give them a case of Old Parr Whiskey, and they would drink bottles of the local hooch, aguardiente, during their extortion rounds. On a few occasions, the rebels brought neighbors who owed them money to the meeting place and interrogated Tovar about how much money the person had in order to help them determine the person's monthly quota.

"They said I was an oligarch," he remembered.³⁰

Tovar said 80 percent of residents paid these quotas. There was, he said, a "new state" in formation: one under the thumb of the guerrillas.³¹

"If anything sent me to war, it was fear," he later said in an interview.³²

The Birth of a Paramilitary

In 1995, Tovar, tired of being victimized by the rebels, decided to help an incipient organization that called itself the "self-defense" groups. Accompanied by a man he identified as "Luis," he began running errands. At the beginning, he considered himself more of a connector and a mouthpiece than a leader or even an active member. For the "self-defense" groups, having this type of interlocutor made their entry into the area far easier. Tovar introduced them to potential funders and political operators, many of whom were part of his elite circle. When locals would ask, Tovar would tell them about the group, broadcasting its message of liberation. And when suspected guerrillas were assassinated, Tovar would proudly publicize the group's actions:

I was a great guide in the area because, among other things, I knew the place very well because I bought and sold cattle, which gave me a very good lay of the land with regards to cattle producers and where the guerrillas were forming their states. What's more, I was starting to spread the word, which increased as the self-defense groups became more active than in years past. As soon as the people heard about the military operations of the self-defense groups, in many areas they started to be more open to them and hopeful. So my role just got bigger and bigger because the people were more and more open to this idea. And I was delighted to tell them about it...Eventually the people looked for me, and started asking me how to get in touch with them, to see if they could go to their areas.³³

Over time, Tovar met the leadership of the organization. This included Salvatore Mancuso. Mancuso was the son of Italian immigrants who had become large landowners and cattle ranchers along the northwestern Caribbean coast. With Tovar, Mancuso bragged about his own elite connections, which had helped him and the "self-defense" groups' commander, Carlos Castaño, of the House of Castaño, set up the aforementioned ACCU, and later the AUC.³⁴

In the beginning, the AUC's principal interlocutor in the Grand Magdalena was Jorge Gnecco. He was, according to Tovar, the key fundraiser and, for a while, one of his direct bosses.³⁵ At the time, Gnecco's star was on the rise. In addition to his connection to the AUC, he was building a political machine. In 1992, his brother Lucas became governor of Cesar. In 1997, running for a second time, he beat Consuelo Araújo Noguera and became the first Cesar governor not beholden to the Araújo family in years. At the same time, Jorge Gnecco's other brother Pepe became a senator. In a few years, his nephew, Hugo Gnecco, would be mayor of Santa Marta, the capital of Magdalena state. And his cousin, Juan Francisco "Kiko" Gómez, became mayor of Barrancas in Guajira.

But while Gnecco was his boss, it was Castaño who was Tovar's ideological teacher and Mancuso his paramilitary godfather. In an interview, Tovar called Castaño his "Bolívar," in reference to Simón Bolívar, the figure who led the push for independence from Spain in a vast stretch of the Andes in the 19th century.³⁶ Castaño's speeches about the failure of the "political class" and the state resonated with Tovar. The ire against this "political class" was as much regional as it was national:

This point caught my attention because it was the common denominator. Those of us who were there were very bothered by the political class who came from the capital of the country. That class had been incapable of establishing a state presence, of defending us, which was what was at the heart of our pain. At that time, the only leadership was corrupt, which it shared with those parallel states the guerrillas were creating. All of us in a collective voice shouted an SOS for our people. All of us acted in the interests of the people of our region, and for those who would come to the defense of those who had been abandoned by the rule of law. We all started feeling the need for freedom and our unwillingness to accept different political models from the ones we were accustomed. In this way, we started sharing [our frustrations] and [our desire] that now was the time for structural changes in the political model.³⁷

For Tovar, and many other paramilitaries and non-paramilitaries alike, this sensation that the central government had abandoned them to the guerrillas was a touchstone. More than the idea that the government was incapable of protecting them, they believed the government did not care. It was the beginning of a nationwide upheaval that would culminate several years later with the election of President Álvaro Uribe Vélez, himself a victim of rebel violence and staunch critic of the central government. As Tovar himself would say later: "The social contract was broken."³⁸

While Castaño trained Tovar's mind, Mancuso honed his military skills. Tovar says he first went to battle as an AUC member with Mancuso, helping to rescue some people who had been kidnapped by the ELN rebels in neighboring Magdalena. The two were later captured together in Guajira, after their group had assassinated two peasant farmers who had invaded a large landowner's property.³⁹ The local prosecutor, however, only inquired about a grenade they were carrying and subsequently let them go.⁴⁰ When the local ombudsman complained, he was disappeared on Tovar's orders.⁴¹

A few months later, Tovar was captured again for trafficking weapons, this time without Mancuso. On this occasion, Mancuso and Castaño had no leverage, so they sent someone to spring Tovar from jail in Valledupar. Castaño and Mancuso insisted he escape, but in the manuscript he wrote later, Tovar said he believed that he was not doing anything wrong and had faith he would be rewarded for that behavior. "I hadn't violated any laws, and everything was in order," he would write.⁴²

It was a telling moment, one that would typify Tovar's approach to criminality: Tovar would never think of himself as an outlaw, even when he was committing some of his most heinous crimes. In this case, his faith would be rewarded, and he was released. When he called Mancuso and Castaño to give them the news, they were incredulous. "You must have someone who is higher up than us in Bogotá," they told him.

Tovar laughed and told them that "truth and staying within the law" was what freed him. The two commanders on the other end of the phone asked if he was being facetious, to which Tovar responded: "It's reality."⁴³

The reality, of course, was much more complex. In this case, it was that Tovar had used his own network in the army and the judicial system to gain freedom: after the local battalion falsely said Tovar had "permission" to move the weapons, the local prosecutor dropped the charges; that same prosecutor later worked for Tovar.⁴⁴

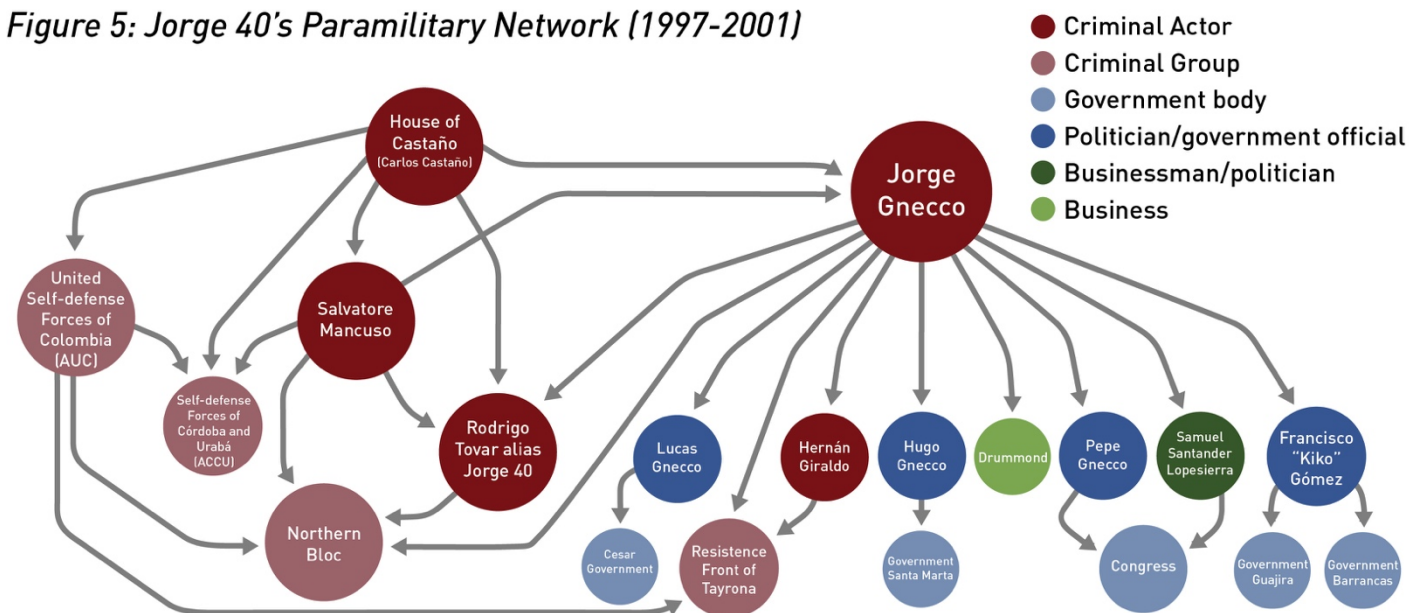
Tovar does not mention this detail in his writings. For some, it is part of his disturbing pathology, his denial. For others, it is calculating. In either case, his narrative remains spotless: he is the victim who is acting on behalf of other victims. It is a story he maintains to this day.

The Rise of 'Jorge 40'

Soon after being released from jail for a second time, Tovar took on the nom de guerre "Jorge 40." (Like the military, the AUC assigned numbers to their commanders as a means of camouflaging communications.) Under the tutelage of Mancuso and Castaño, Jorge 40 became commander of the "Bloque Norte," or Northern Bloc, of the AUC. Mancuso was his military boss, Jorge Gnecco his political boss, and Castaño his ideological boss.

Their plan was the same in every place they targeted: "clean" the area of guerrilla influence with military action; consolidate these areas through elections and control of the political parties. With Jorge 40's connections and determination, the AUC set its sights on conquering the Grand Magdalena region. However, it would not be easy. While it was nominally a single movement, the AUC was split into numerous competing military and political factions. These factions were unified in their military strategy of fighting the rebels, but the spoils of these conquests were never easy to divvy up between the victors. What's more, each faction's local connections and interests made creating a unified strategy along the northern coast impossible.

Figure 5: Jorge 40's Paramilitary Network (1997-2001)



Gnecco's powerbase, for instance, stretched the length of the Grand Magdalena. In addition to his contacts in Magdalena's underworld, many of the contraband families in Guajira were relatives or close associates. Among them was Juan Francisco "Kiko" Gómez, Jorge's cousin and a former mayor of Barrancas, an important hub for contraband coming from Venezuela. Gómez worked with Samuel Santander Lopesierra, alias "el Hombre Marlboro," a former senator who had connections at the highest levels of government and the contraband trade, as his nickname made evident.⁴⁵ These families had their own political and economic interests, and regardless of the payoff of ridding themselves of the guerrillas, they were not willing to hand these interests to the AUC. What's more, they had their own armed groups, which did not operate under the purview of the AUC.

These tensions would lead to bloodshed. It's not clear what sparked the feud, but problems between the paramilitary groups became particularly tense when Hernán Giraldo got into a dispute with the Rojas family, an ally of the House of Castaño that moved illegal drugs and other illicit products along the coast.⁴⁶ Over time, the rift grew and drew in Jorge Gnecco. Gnecco's power was at its apex throughout the region, and he took sides with Giraldo. It was a pivotal moment in the battle for the Grand Magdalena. At stake was more than just the illicit trafficking routes that motored the paramilitary war against the guerrillas and its expansion. Political power in the northeastern corner of Colombia, and possibly that of the entire country, was now in play.

The turning point came in August 2001, when Jorge 40, at the behest of his AUC bosses, invited Jorge Gnecco to meet with him. Gnecco, the powerful patriarch of the most ruthless criminal family in the northeast, was confident this was a friendly business meeting and allegedly brought liquor and food with him. Upon arrival, however, Gnecco was taken captive, tortured and killed. His body was later found in an unmarked grave alongside those of his bodyguards.⁴⁷ Jorge 40 would later target other members of the Gnecco family. The Gnecco's reign was over, at least temporarily.

The fight then shifted to the Magdalena, where in December 2001, the AUC began distributing pamphlets warning of its arrival and the futility of resistance. From the coastal city of Santa Marta to the adjacent mountain range, Northern Bloc foot soldiers, militias and informants -- often with military assistance -- started hunting and killing Giraldo's men.⁴⁸ In February 2002, Jorge 40 surrounded what was left of the Giraldo's paramilitary army, forcing Giraldo to surrender and renegotiate with the House of Castaño. In May 2002, the two groups signed a ceasefire, then re-baptized the new paramilitary group in the area.⁴⁹ From then on, they would be under the command of the Northern Bloc.

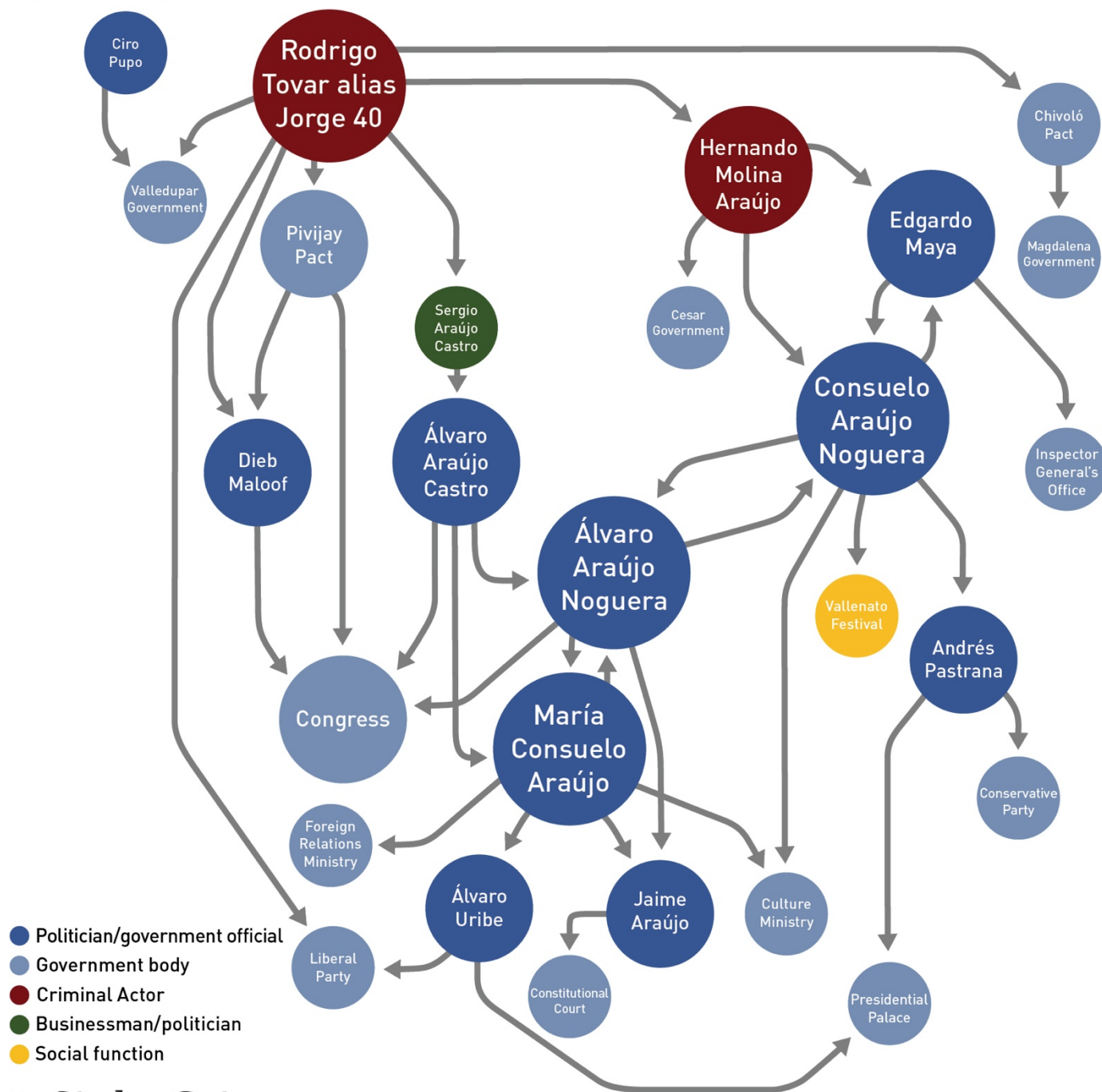
Jorge 40 flexed his muscles in Guajira as well. After the Northern Bloc's initial incursions opened up some space in the southern part of the state, he started working directly with the main contraband families in the area. At least four of the contraband patriarchs were not cooperative, so Jorge 40 had them killed; when he could not get at the head of the family, he had their relatives murdered.⁵⁰

Jorge 40's Political Machine

His military strategy in motion, Jorge 40 turned to politics. As the Supreme Court later said, the Northern Bloc was an, "organization that not only persecuted the guerrillas, but was intent on political of its areas of operation."⁵¹

The Northern Bloc started this process by illegally obtaining census data for the three states. One witness, for example, said they paid \$2,000 for information on Magdalena.⁵² They then rallied their troops who rallied the candidates and their political operatives. In September 2000, the paramilitary organization held one of its first, private conventions in the Magdalena municipality of Chivolo (also written Chibolo), where they called for a "province united for the option of a better life." In the end, they united behind a candidate for governor and 13 candidates for mayors of different municipalities. Another 395 people who could influence elections for municipal councils and the state assembly were also in attendance.⁵³

Figure 6: Jorge 40's Political Network



The Northern Bloc's candidates for governor and various municipal positions won their elections that year, giving the bloc a template to follow. In November 2001, the Northern Bloc called a meeting in Pivijay, another municipality in Magdalena, where

they formalized an agreement with the local politicians who would be their candidates for the Senate, lower house of Congress and mayoral races that would follow.⁵⁴ The so-called "Pacto de Pivijay" ("Pivijay Pact") committed political leaders to supplying "votes" for four pre-selected candidates in the upcoming congressional elections. The congressmen and senators would return the favor by helping the mayoral campaigns of those candidates. In effect, the AUC's gains in the national and the local elections mutually reinforced one another.

The strategy was nationwide. As Mancuso later told a court, the AUC sought to become the "de facto state" in their areas of influence:

Connecting ourselves to politics was Commander Carlos Castaño's strategy...He gave instructions to his commanders, and I gave them to my lieutenants. We are talking about '99, during which we plan to penetrate all the political processes of the mayors, the city councils, the state deputies, the governors, and the congressmen of the areas that we managed. ...At the end of the day, this guarantees the self-defense groups national power... Really since the '97 elections we had started to get involved in the regional elections, as well at the municipal and state levels...To get a better understanding of this issue, think about regions under the influence of the ACCU, and specifically the Northern Bloc. As I said before, all the politicians of that area looked for us so that we would work with them in their political careers. Especially following what happened with the Pastrana administration's decision to seek peace with the guerrillas, we made the decision to interact with the politicians, coming to some small agreements with some communities to try and search for solutions as it related to our political vision, with the understanding that we were implementing a parallel state.⁵⁵

The AUC called similar meetings with politicians in various parts of the country and pushed votes in the northwest -- where the most famous of "pacts" was signed⁵⁶ -- the Eastern Plains, the coffee region, and the Middle Magdalena Valley.⁵⁷ As the Supreme Court said:

At that time, the illegally armed organization developed a political project that had as its goal to position its members at all levels of the administration, including via popular elections, with the aim of expanding its area of influence and of having representatives in high positions of power at the national level.⁵⁸

In Cesar, Jorge 40 also turned to his friends and neighbors from the state's elite to help him. One pillar of his plan was Mauricio Pimiento Barrera, a career politician and diplomat who grew up in the "plaza" of Valledupar. The two were close friends, and as Jorge 40 developed his strategy, he knew he would need a close ally in Cesar, someone like Pimiento with political heft. Pimiento had international, national and local pull. He

had been the Araújo candidate for governor of Cesar in 1995. He had also worked with the economic development and agricultural ministries. Prior to running for Senate, he worked with the Organization of American States (OAS) and had done a stint at the United States Agency for International Development contracting company Chemonics.

The other pillar was Álvaro Araújo Castro, the son of the political patriarch, Álvaro Araújo Noguera. Araújo Castro had become a congressman, but he remained more of a wildcard, one that would be fundamental if Jorge 40 wanted the traditional political class behind him. That is because, despite their political setbacks with regards to the Gnecco family, the Araújos were still important political patrons in Valledupar. Araújo Noguera held sway in the political blocs that candidates needed in order to get elected. Araújo Castro's aunt, Consuelo, lost the race for governor in 1997, but she had become the minister of culture for President Andres Pastrana, and was married to Colombian Inspector General Edgardo Maya. Araújo Castro's uncle, Jaime Araújo, was a magistrate on Colombia's Constitutional Court. Araújo Castro's sister, María Consuelo, was forging her own path, mostly along the lines of her aunt, Consuelo, in the cultural and social worlds.

The Araújos were not necessarily predisposed to the extra-judicial solutions the paramilitaries presented in the region, and it was an alliance that did not come naturally, numerous people from the region told InSight Crime. Jorge 40 saw the Araújos as part of the traditional political class that had betrayed the region and left it to the guerrillas. For his part, Álvaro Araújo Castro (pictured right) had his own political base, which had already elected him to congress in 1994 and 1998, and he was eyeing a spot in the Senate on his own terms.



Even with the arrival of the paramilitaries, Araújo Castro was keeping his options open and distancing himself publicly from the violence around him. When President Álvaro Uribe traveled to Valledupar in the year 2002, for example, Araújo Castro denounced the paramilitaries before the president and his Security Council, and demanded action against them. As Araújo Castro later described, "I said that the paramilitaries were interfering with the state and municipal governments."⁵⁹

Less than a month later, the security forces launched an operation in the area that killed several paramilitaries.

This public criticism reportedly infuriated Jorge 40, who, by some accounts,⁶⁰ organized a hit squad to target the young congressman. It was at this stage that Araújo Castro's

more diplomatic brother, Sergio, reportedly interceded. A businessman, Sergio was charming, charismatic and a leader in his own right. He also knew Tovar very well, before he became Jorge 40. Thereafter, he had maintained contact with Tovar⁶¹ and, according to those who were close to both Araújo Castro and Tovar, offered to mediate the growing tension between his brother and the new paramilitary commander.

The lukewarm nature of the Araújo - Jorge 40 alliance was evident in the fact that there were no formal "pacts" in Cesar. The arrangements were unspoken, and the rules were not always as clear as they were in Magdalena. But when the rules were broken, there were consequences. At least nine current or former politicians and aspiring candidates were kidnapped or killed in Cesar from 2001 to early 2002,⁶² allegedly for not supporting the AUC's designated candidates or refusing to drop out of the race themselves. One of them, Victor Ochoa Daza, was kidnapped after he refused to become Araújo Castro's "suplente," or his alternate on the Senate list. Following his abduction, Ochoa Daza's running mate dropped out of the congressional race and became Araújo Castro's "suplente."⁶³

In essence, as the Supreme Court later wrote about the case, Jorge 40 was implementing a single strategy throughout the region. The court noted that Jorge 40 had written in pencil on the Pacto de Pivijay document some notes concerning Mauricio Pimiento.⁶⁴ It said that, similar to his strategy in the Magdalena, he had divided the region into three parts: one in the northern municipalities reserved for Pimiento; another in the south reserved for Araújo Castro; and a third with what they described as "cielos abiertos" (no ceilings), or open for competition, which was principally in and around Valledupar.⁶⁵

The results of the 2002 congressional elections showed such anomalies in comparison to previous voting patterns that -- despite the absence of physical proof or even a witness that placed Araújo Castro in a meeting with Jorge 40 to determine these electoral zones -- the Supreme Court would later declare him guilty of "suppressing the vote" and assisting in the "formation of illegally armed groups."⁶⁶ The court would sentence Araújo Castro to nine years in prison.

These anomalies are worth noting. The first anomaly is between the votes cast in different areas of the state. The municipalities in the "Pimiento zone" clearly favor him as Senate candidate; those in the "Araújo zone" favor Araújo. (See Tables 1 and 2, below) The anomaly becomes even more stark if you compare it -- as then investigator and now Senator Claudia López did when she revealed these anomalies in a series of analyses published in *Semana* magazine in 2005 -- to previous results.⁶⁷ In the areas the Northern Bloc designated for Araújo Castro, he increased his votes by over 400 percent from his 1998 congressional campaign.⁶⁸ To be sure, more people traditionally vote in

Senate elections than Chamber of Representatives elections, but this anomaly proved impossible for Araújo Castro and his legal team to explain.

Table 1: Southern Cesar

Municipality	Votes for Araújo	Votes for Pimiento
Curumaní	1,191	194
Pailitas	1,622	597
Tamalameque	2,950	459
Pelaya	987	48
La Gloria	1,479	173
Gamarra	1,974	48
Aguachica	3,491	724
González	1,505	532
Río de Oro	891	5
San Martín	2,295	6
San Alberto	1,381	216
Total	19,766	3,002

Table 2: Northern Cesar

Municipality	Votes for Araújo	Votes for Pimiento
El Copey	83	3,604
Bosconia	508	2,932
El Paso	355	3,235
Becerril	227	1,104
Astrea	91	2,438
La Jagua de Ibirico	542	1,713
Chiriguana	289	2,788
Chimichagua	165	3,198
Total	2,260	21,012

As the Supreme Court later wrote when it sentenced Araújo Castro:

The results of the 2002 congressional elections -- which under normal democratic conditions could be explained with what the accused has put forward -- analyzed in the context in which they happened and in which the armed group led by 'Jorge 40' played a role, shows that there was an alliance between the AUC and the political class to divide the vote between those who were vying for Senate and those who were vying for congress, with the goal of obtaining those spots.⁶⁹

Similar patterns emerged from Senate and congressional elections in Magdalena and Guajira. Although other government entities sometimes disagreed with respect to the level of participation of some of the politicians,⁷⁰ the voting patterns were too obvious to ignore that the paramilitaries had played a key role in the elections. The paramilitaries also influenced local elections in favor of the Araújo family and other political elite families in the region. In 2003, for example, Hernando Molina Araújo, Araújo Castro's cousin and the son of Consuelo Araújo, ran for governor unopposed after the two rival candidates dropped from the race due to threats from Jorge 40.⁷¹

The Jorge 40 Network: Reaping the Benefits

Jorge 40's political strategy helped him and the AUC on many levels. On a local level, political power gave Jorge 40 and the AUC access to new revenue streams. The benefits paramilitaries could reap from these contacts varied but Jorge 40's intimate knowledge of municipal budgets permitted him to target the most lucrative opportunities. Once his candidates took office, for instance, they were expected to award public contracts to firms he controlled, either directly or indirectly, or simply give the Northern Bloc a cut of the budget.

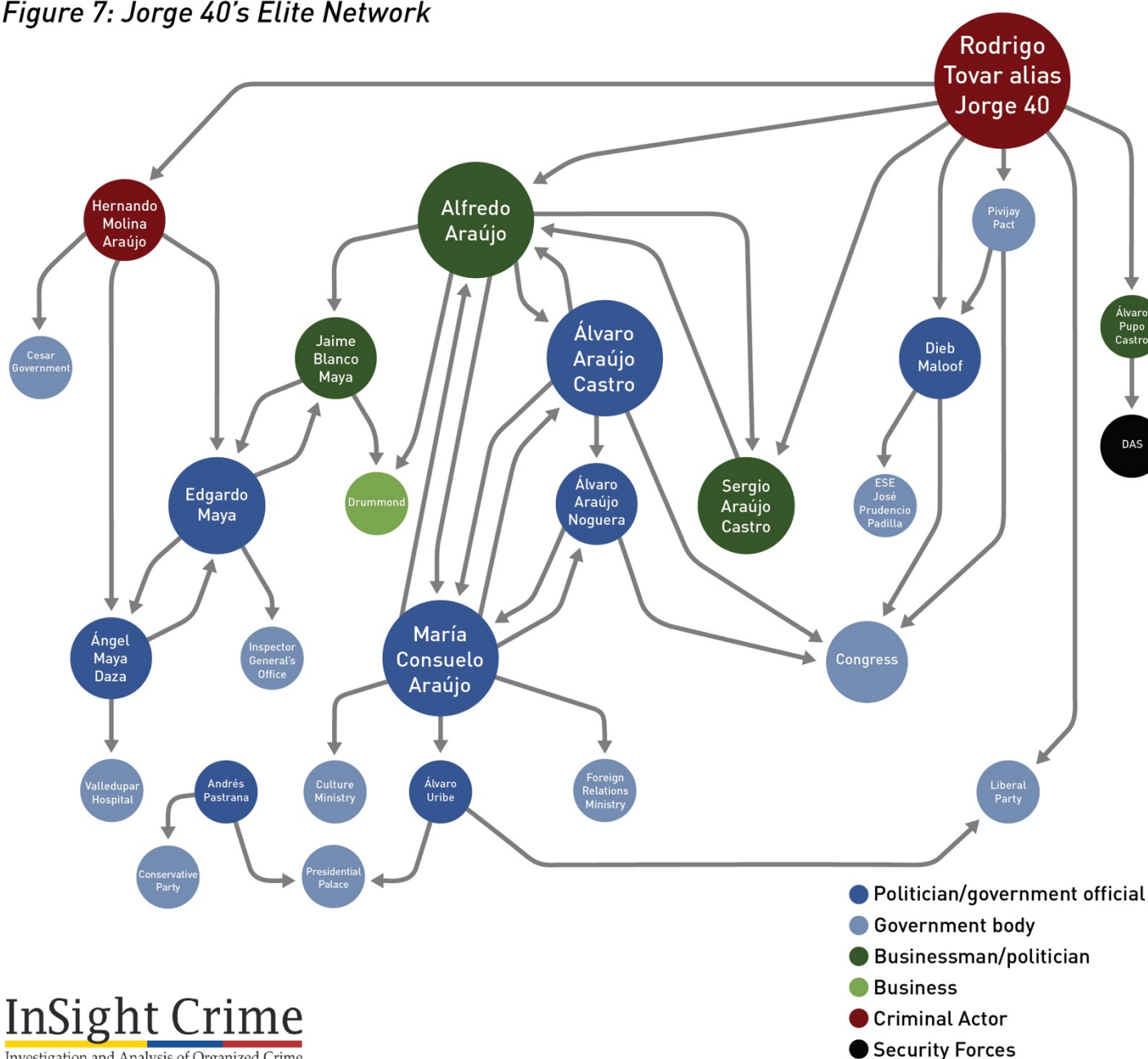
Examples abound. To cite a prominent one, in return for backing the 2002 Senate campaign of Dieb Maloof, organized via the Pivijay Pact, Jorge 40 was rewarded with valuable contracts from public health provider ESE José Prudencio Padilla. The public health service, which covered seven states in northern Colombia, had to be shut down in 2006 due to the massive diversion of its resources to the AUC.⁷²

Jorge 40 engineered similar schemes in Cesar, which often also benefitted his allies, the Araújos. After Hernando Molina Araújo became governor, for instance, Molina Araújo inserted Angel Maya Daza, the half-brother of his step-father, Edgardo Maya, as the head of the biggest hospital in Valledupar. The previous manager was forced out by paramilitaries, according to testimony.⁷³ Government investigators later found that the

paramilitaries had received almost monthly payments from 2003 to 2008 via contracts awarded from the hospital budget to front companies, and used ambulances to transport men and weapons.⁷⁴

Jorge 40 also used the Araújo family's close connection to the region's most lucrative business, coal mining, and its principal purveyor, Drummond, for his own ends.⁷⁵ Alfredo Araújo Castro, the nephew of Álvaro Araújo Noguera, was the manager of community relations for Drummond in its Valledupar office, the company's main office in the region, and later its general manager. Jaime Blanco Maya, half-brother to Inspector General Edgardo Maya, was contracted by Drummond to manage its food services. In an interview with InSight Crime, Jaime Blanco Maya said the company arranged to overpay on its contract to him.⁷⁶ The excess, he said, was used to pay Jorge 40's paramilitaries for "protection services."⁷⁷

Figure 7: Jorge 40's Elite Network



Blanco Maya added that when his food services contract ended, Alfredo Araújo Castro became the go-between for Drummond's payments to Jorge 40 and the paramilitaries for "protection" against the guerrillas.⁷⁸ Several ex-paramilitaries and former Drummond contractors have also described Araújo Castro's contact with the AUC, which they said dated as far back as 1999. According to the testimony, Araújo Castro repeatedly met with Northern Bloc commanders to negotiate expanding the local paramilitary front with Drummond money, to discuss military strategy, and give

instructions to attack Drummond trade unionists.⁷⁹ Alfredo Araújo Castro denies these accusations and, although he was picked up and questioned by authorities for the 2001 murder of two union leaders that worked for Drummond, he has not been prosecuted for any criminal wrongdoing. For his part, Jaime Blanco Maya was convicted in 2013, for his participation in the murder of the two union leaders and sentenced to over 37 years in prison.

Jorge 40's own relatives also reportedly assisted him in his war against suspected members of the guerrillas. In perhaps the most notable case, his cousin, Álvaro Pupo, the nephew of his guardian Edgardo Pupo and the brother of Valledupar Mayor Ciro Pupo, allegedly became an important liaison with the president's intelligence branch, the now defunct Administrative Security Department (Departamento Administrativo de Seguridad - DAS). One former DAS official said Pupo visited DAS at least nine times, and that the intelligence agency supplied Pupo with lists of suspected rebel collaborators, who the AUC's Northern Bloc later assassinated.⁸⁰

However, the relationships between Jorge 40 and his elite allies, especially the Araújo clan, were complex. Álvaro Araújo Castro was elected to the Senate, but there was tension between him and Jorge 40 that continued long after the elections. In 2004, the two met at a birthday party for Congresswoman Eleonora Pineda, reportedly so they could clear the air.⁸¹ Blood was boiling and tempers flared, according to one person who attended the party, but the two agreed to a civil, if uneasy truce, and neither has ever publicly implicated the other of criminal acts.⁸²

That truce was reportedly managed by Álvaro's brother, Sergio Araújo Castro (pictured right), who, according to one paramilitary associate, became the Northern Bloc's unofficial spokesperson, one of its key advisors and an important interlocutor with the national government. (The same source said Sergio helped write speeches that Jorge 40 and Mancuso gave when the AUC began negotiating with the government.) To be sure, Jorge 40 was one of the last to lay down his weapons in 2006, after Sergio interceded at the government's behest.⁸³



And, for a while at least, the connections between the Araújo clan and the Northern Bloc helped re-establish the family's status as the political patriarchs of the region, displacing their Gnecco rivals. Sergio's access to Jorge 40 gave him a say in the selection of political candidates region-wide. The family's power also surged on a national level. María Consuelo Araújo Castro became the minister of culture and later the minister of foreign relations. Edgardo Maya, Hernando Molina Araújo's step-father, continued as inspector general.

Having allies in high government posts was indispensable for the paramilitaries. AUC emissaries helped them lobby for, draft, and later pass a controversial law that allowed them to withdraw from the conflict and demobilize their troops with minimal penalties. Under the 2004 law, for example, their jail sentences were limited to nine years as long as they participated in the government's peace and reconciliation process, which included admitting to their criminal acts.

The paramilitary commanders took advantage, demobilizing with thousands of their troops between 2004 and 2006, the years following their political surge. For a while, the political strategy also reduced the paramilitary commanders' chances of being extradited to the United States to face drug trafficking charges. From their posts, their political emissaries and high level bureaucrats could lobby the executive branch to keep the paramilitary commanders in Colombia.

With their fortunes rising, the Araújo family began to think about following a path that then President Álvaro Uribe had recently forged and that López Michelsen had virtually pioneered -- using a regional power base to make a bid for the country's highest office. The possibilities at the time were threefold: Álvaro Araújo Castro, María Consuelo Araújo Castro and Edgardo Maya. And for a brief moment, it appeared that Uribe himself might be favoring María Consuelo as a possible candidate to succeed him. This support quickly dissipated, however, as the accusations against her brother for his participation in Jorge 40's political strategy took center stage.

Indeed, the perceived connections with the AUC eventually burned the political capital of the Araújos who were vilified and pursued by the law. In addition to Álvaro Araújo Castro's nine-year prison sentence for suppressing the vote and assisting in the creation of illegally armed groups, his father, Álvaro Araújo Noguera, the one-time patriarch of the region, was also jailed for kidnapping. María Consuelo was nudged from the chancellor's post in February 2007, just six months after she took control of the foreign ministry. Hernando Molina Araújo was tried and convicted for forming paramilitary groups and sentenced to seven years in jail. Even Jorge 40, the once all-powerful commander, who surrendered to the Colombian authorities in 2006, was extradited to the United States in 2008, where he was tried for drug trafficking and sentenced to 16 years in prison by Judge Reggie Walton.

Conclusion - Victims or Victimizers?

This case study is an example of what happens when a weak central state leaves powerful regional elites to deal with political and social upheaval. These regional elites believe they suffer because the central government has not dedicated sufficient resources to security, which is partly true. This facilitates the rise of illegal actors who

serve as the elites' ad-hoc army, their protection services. That army, however, has its own dynamic, which can swallow the elites in its path.

The elites do their part in creating the circumstances in which illegal actors emerge and take advantage of this void. They want the state to protect them, but they do not want to adhere to the rule of law when it inhibits their business of managing the region for their own ends. Picking and choosing when and how the state should function works for the elites whilst illegal actors are small, relatively bit players. But when these illegal actors rise to compete for power with these same elites, then drastic measures become normal recourse and tragic consequences often follow.

In the case of the Grand Magdalena, the origins of the elite's connections with organized crime are threefold. First, it is clear that the elites had long worked in or with the underworld. This does not mean they were underworld figures themselves. Most were not. However, they did benefit from the underworld, specifically the movement of contraband across the Venezuelan border. Subsidized gasoline, fertilizers, farm machinery, autoparts and other products illegally trafficked from Venezuela into Colombia were all part of the accepted way of doing business. In this way, a weak state, in particular a border guard service that took bribes to turn a blind eye to contraband, and a police and a judiciary that did not investigate the origins of these products, was beneficial for them.

The rise in guerrilla activity changed the equation in the Grand Magdalena and is the second reason why elites and organized crime mixed. The weak state model no longer served the elites, but the central government was not willing or able to commit the resources necessary to fight the rebels. The predatory nature of the guerrilla groups accelerated a process whereby the elites felt the need to build their own parallel protection network.

This war led to the rise of figures such as Jorge Gnecco. In other circumstances, Gnecco would not have found so much room to operate, to expand his legitimate businesses so rapidly, and position his relatives so swiftly in political posts around the region. In other words, it appears to be far easier for illicit actors to gain legitimacy and power during times of war or great social upheaval. Certainly Gnecco found it to be so, and during 1990s his family's political and economic fortunes rose quickly.

The rapid emergence of the Gnecco family changed the power dynamics between elites in the region. The Araújo -- the traditional political power brokers -- suddenly faced an upstart that threatened to end their stranglehold on political power. In other circumstances, the family might have confronted this challenge by simply throwing more money behind their candidates and promising political favors. However, the rules

had changed. The Gnecco clan had equal or greater resources. They had an ability to promise political handouts of their own and could offer something the Araújoos could not: protection from a rising guerrilla threat. Lucas Gnecco's stunning victory over Consuelo Araújo should be seen in this context.

The decision by at least part of the Araújo clan to align with organized crime also needs to be viewed within this context. The Araújoos did not start with the strategy of binding themselves to the fortunes of the paramilitaries. In fact, Álvaro Araújo Castro sought to publicly distance himself from that ascendant force. However, the more pragmatic of the family, Sergio, seemed to understand that in the long term, this was the only winning strategy. His close connection to Rodrigo Tovar Pupo facilitated this link but was not determinant in creating it. Put simply, without paramilitary support, the Araújoos would not have regained their stature or displaced the Gnecco family.

War also accelerated Tovar's connection to organized crime. His vulnerability was laid bare by the quotas guerrillas extracted from him at gunpoint and the kidnapping of his cousin. For him, and many others, the rebels had created their own "parallel" state. More importantly, they threatened to upend the status quo, and the privileges that he and his elite friends from the "plaza" considered their birthright. But Tovar's frustration extended beyond the rebels. Tovar was angry at his elite counterparts for dissecting the state, parceling out pieces to serve their own needs, and thereby opening up avenues for corruption and this rebel "state." The irony, of course, is that once he had the power, Tovar did much the same as those he vilified.

Third, the response of at least parts of the state, which ignored, facilitated or directly assisted the extra-judicial solution to the guerrilla problem, accelerated the process whereby elites and organized crime merged in northeast Colombia. The government -- from the national to the local level -- was at best inadequate and at worst complicit in the activities of these illegal actors.

What is clear from Tovar's story is that he had to work with multiple parts of the government in order to achieve his goals. At the national level, he knew and worked with members of the military to get weapons, obtain some sort of cover for his operations and coordinate military actions against rebels. He needed the national police to turn a blind eye, give intelligence and get him released from custody on at least two occasions. He needed the Attorney General's Office to skirt or bury investigations, and obfuscate evidence of paramilitary massacres. He needed the DAS to provide him with intelligence to murder suspected guerrillas.



On the local level, Tovar (pictured left) needed officials to channel his resources, and registries to ignore voter fraud and manipulation. He needed local police to ignore his transgressions, which, in addition to murder and massacres, included extortion of large industry and kidnapping. His local networks also provided him with political backing at key stages, and hosted more than one political event in support of his chosen candidates.

To be sure, Tovar reached an entirely different level with his political strategy. While it is not clear whether he thought of the Araújo family as key allies, it is clear he saw them at least as part of his vast political team. Whether the Araújo family thought of themselves that way is still a subject for debate. They were, and remain, an independent, strong political force, and their political powers pre-dated the rise of Jorge 40. Nonetheless, what emerged was a mutually beneficial relationship.

These were the same elites who had coalesced behind Álvaro Uribe Vélez during his winning bid for the presidency in 2002. The Uribe model offered a path to the presidency for the ambitious Araújo family. However, the relationship with Jorge 40, whether it was made by design or forced on them, undid their march to the presidential palace. While it may have serviced their needs for a time -- and was perhaps necessary to keep the guerrillas at bay, harness votes and corral political and social capital -- in the end, it exposed the family and destroyed their chances of further national power.

In the end, the relationship between the Araújo family and the paramilitaries offers a cautionary tale. Like many other families in the region who were besieged by war, the Araújo family chose to align with the paramilitaries. It is too easy to vilify those who made this choice. The cost-benefit analysis for the elites in the Grand Magdalena would have been relatively simple at first. The guerrillas had clearly identified themselves as the enemies of the landed gentry and the political patrons of the area, i.e., the families from the "plaza." The national government did not have the resources or the wherewithal to combat the guerrillas, and the paramilitaries offered the chance of getting rid of the most immediate problem -- attacks by the rebels. In those circumstances, the urgent need for security outweighed the thought of the good of the country, the development of the state, due process of law or democratic values.

The idea of protection carries immense political and social weight. Both the paramilitaries and the elites realized this, although perhaps not at the same time. Political families such as the Araújo family were pragmatic enough to understand from the beginning that connecting themselves to the AUC, and more specifically their former neighbor, Rodrigo Tovar Pupo, was the surest way to survive not just the guerrillas but

the paramilitaries themselves. This became painfully clear by 2001, the year Jorge 40 killed Jorge Gnecco. By then, it was Jorge 40, not the Araújo, who was driving the political machine forward, and hitching themselves to his wagon would have seemed the only viable strategy.

It was perhaps at this stage that the cost-benefit analysis began to shift. The new landlords, the paramilitaries, had shown their cards: they were not content to be the guardians; they wanted power for themselves. Political candidates were hand-picked. Elections were rigged. Public resources were siphoned from municipal budgets. It was they who had now created the "parallel state" that Tovar so hated when it was in the hands of the guerrillas.

As the issue became national, things got even more complicated. There is little doubt the AUC hoped their political discourse was a get-out-of-jail-free card. But as the guerrilla threat ebbed, due in part to an increasingly functional state, their political cache dropped. And as their brutal methods came to light, the costs of the alliance between politicians and paramilitaries became even higher. The "protector" quickly became a "human rights violator."

Tovar lived this process. He called it a betrayal, and to this day steadfastly believes that he was wronged by his former allies and by other elites who used him and his paramilitary colleagues. It is also clear from speaking to him that he thinks he should have been in politics. He says he was pulled into a war that he did not want, into a life that he did not choose. He cites his sacrifices: leaving his family, losing his land, being incarcerated in a foreign country. He does not talk about his transgressions: massacres, mass displacement, trade in contraband, drug trafficking, and other crimes. In his narrative, he is the victim. As he sees it, he is not a criminal, he is a hero.

Epilogue

With Jorge 40 in jail in the United States and the Araújo on the run, the Gnecco family and their allies recouped their economic and political power in the Grand Magdalena. After Jorge 40 was extradited, Jorge Gnecco's cousin Juan Francisco "Kiko" Gómez became governor of Guajira. To help finance his campaign, Gómez relied on criminal boss Marcos Figueroa, alias "Marquitos."

Marquitos had returned to the Guajira following Jorge 40's extradition and killed Tovar's brother and some of his business partners. Marquitos had then set about gaining funding for Gómez's campaign for governor, making deals with local politicians, including the mayor of Barrancas, to charge a percentage from companies that won public contracts.⁸⁴

In 2011, the same year Gómez won Guajira's governorship, Luis Alberto Monsalvo Gnecco -- the son of Jorge Gnecco's sister Cielo -- won the governorship of Cesar, marking the return of the Gnecco family to high office in that state. Jorge Gnecco's old dream of a family-led political alliance across Grand Magdalena seemed once more within reach, as one news outlet observed.⁸⁵

Gómez was a political ally of Governor Monsalvo, and successfully lobbied for him to head the national governors' organization.⁸⁶ The close ties between the two branches of the family were demonstrated by Gómez's presence as guest of honor at a lavish birthday party thrown for Cielo in August 2013. A photo from the event, published by the Colombian media, shows the cousins embracing and smiling broadly.

Guajira Governor Gómez was arrested in October 2013, under investigation for several murders, ties to the paramilitaries, and irregularities in public works contracts, among other crimes.

Meanwhile, the Gnecco family continues to accrue still more power in Cesar. Cielo is considered to be the true power behind the governor, and serves as the state's first lady for her unmarried son. Rafael Bolaños Guerrero, an ex-governor of Cesar and brother-in-law to Cielo and Jorge Gnecco, is still in the family fold, and served as health secretary to his nephew, Governor Monsalvo. The family gained still more influence in the 2014 elections, when Cielo's nephew Jose Alfredo Gnecco, son of former governor Lucas Gnecco, won a Senate seat, and three candidates backed by Cielo were voted to Congress.⁸⁷

The Gnecco's wealth and power helped deliver this electoral success. The vast majority of donations to Jose Alfredo's Senate campaign came from members of the Gnecco family, including the governor's father Luis Alberto Monsalvo Ramirez.⁸⁸ Meanwhile, a rival candidate publicly accused the governor's office of pressuring officials to back Jose Alfredo.⁸⁹

However, the fight between the Gnecco and Araújo families may not be over yet. Gómez's resignation as governor in February 2014 represented a clear setback to the prospect of a Gnecco-dominated Grand Magdalena. And in 2015, Sergio Araújo Castro ran for mayor of Valledupar. Although he lost, his sister, María Consuelo, was named to the cabinet of the newly elected mayor of Bogotá.

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